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Deontic Moral Experience

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Deontic Moral Experience

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Dedication

Dedicated to my good friends John Hastings and Max Shimshak and to the memory of my friend Walton Jones.

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Deontic Moral Experience

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This dissertation concerns deontic moral experience, especially guilt. I follow Gabriele Taylor's view that when feeling guilty, one represents oneself as having violated one's obligations and as being stained by that violation. On the basis of this view of guilt, I develop several claims in metaethics and normative ethics. I first debunk G.E.M. Anscombe's genealogical attack on the intelligibility of deontic concepts in secular moral philosophy: that guilt, an emotion partly constituted by deontic concepts, is present outside the Abrahamic Occident is evidence that the deontic moral concepts are intelligible without a religious background. I then defend the intelligibility of deontic concept directly, showing how the British Intuitionists explained the content of a simple concept like ought without defining it.

Second, I argue that given that the notion of wrongdoing is constitutive of guilt, normative ethicists must be careful about what they say about rightness and wrongness lest they sow chronic guilt in those who accept their theories. I claim that this is a special problem for consequentialists and that Peter Railton and Derek Parfit's notion of blameless wrongdoing does not solve it. Rather, a distinction must be made between what is right all things considered (maximization in every action) and what is one's duty (cultivating maximizing character traits, etc.).

Third, I argue that guilt holds the key to explaining what T.M. Scanlon has called the priority and importance of moral obligations vis-à-vis nonmoral reasons. I defend Taylor's moral staining view of guilt and use it to show how moral stains ground the priority and importance of moral obligations. To explain moral stains, I turn to Christine Korsgaard's view that our actions are constitutive of our personal identities. Finally, in my last chapter, I elaborate on the connection between guilt, personal identity, and despair through a study of Søren Kierkegaard's *The Sickness Unto Death.*

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Chapter One, Guilt Feelings and Deontic Thoughts

In her 1958 article "Modern Moral Philosophy," G.E.M. Anscombe argued that deontic concepts cease to make sense once severed from an older conception of ethics in which the laws of morality are the laws of God. Anscombe is glad to accept words like "duty" and "wrong" when they signify what the civil law or the rules of chess require, and she is equally agreeable to the use of "ought" in sentences like "You ought to drop by the shop for some milk." Indeed, she wryly acknowledges the utility of "ought" by stating her own prescriptions for philosophy with it. What she is against is the use of words like "ought," "duty," "wrong," and "obligation" in a moral sense.

In its moral sense, a word like "wrong" says something more about an action than that it is an instance of wantonly causing pain or failing to keep a promise. According to Anscombe, when correctly explicated in its moral sense, this word says that an action is disallowed as contrary to law. But Anscombe asks, what is the law referred to and who then is the lawgiver implicitly referenced? Anscombe contends that the only plausible candidates are God and his law. At one time—when belief in the God of the Bible was taken for granted—this made for a meaningful conceptual scheme. Yet in today's secular times, to declare an action morally wrong is senseless: one calls it illicit without being able to identify the being who outlaws it.

I do not agree with Anscombe. I think that not only are deontic concepts intelligible without reference to God and divine law but that we would be making a great mistake by ignoring their study, for they are an essential part of common forms of moral experiences

like guilt.[1] In this chapter, I will take up the latter argument, reserving my direct defense of the intelligibility of deontic concepts for the second chapter.

After summarizing Anscombe's objections to deontology, this chapter will show that the belief that one has transgressed a moral duty is a constitutive thought in guilt. For this task, I will rely in large measure on the work of Gabriele Taylor who differentiates guilt from other emotions on the basis of the differing beliefs connected with each. Establishing that deontic concepts are a part of a basic moral experience like guilt addresses Anscombe's challenge in two ways. First, because guilt is linked to the belief that we have violated our obligations, it shows that, we have reason to develop a deontological ethics to better understand our obligations. Second, guilt's primeval psychological profile is evidence opposing Anscombe's thesis that deontic moral concepts are derivative of historical belief in a lawgiving deity.

Once I have presented my case, I will anticipate objections that the Anscombean might make. The first is that guilt itself is, like deontic morality, a modern survival in a secular age of the Christian belief in a lawgiving God. To respond to this challenge, I will offer examples of guilt in cultures removed from Christianity. The second objection is that Taylor's theory of guilt oversimplifies the emotion by ignoring cases in which it is evidently decoupled from wrongdoing. My response to this criticism will not deny the existence of other forms of guilt but rather insist on the reality of the distinct, recognizable kind of guilt that has belief in transgression as an essential part.

[1] In this chapter, I will use the word "guilt" synonymously with the phrase "experience of guilt." Where later in the dissertation I have cause to distinguish someone's being guilty from someone's feeling guilty, I will mark the distinction expressly.

1. Anscombe's Argument

Anscombe's article centers around two recommendations and an observation. (Anscombe 1958, 1). Her recommendations are that deontic concepts should be jettisoned and that moral philosophy as a whole should be left fallow until such time as we have "an adequate philosophy of psychology." Her observation is that any differences between Sidgwick and the English moral philosophers writing up to her time are of little significance.

What the English philosophers from Sidgwick on down are supposed to have in common is a tendency to believe that actions are determined to be right or wrong by whether or not they produce the best possible consequences (9). Anscombe sees Ross and those whom she calls "Oxford Objectivists" as playing at the same game—the only difference being that they hold that some actions have "intrinsic values" which must be accounted for along with the value of the consequences (9). Thus, it is just as true of Ross as it is of Sidgwick that no action (betraying a trust, for instance) can be said to be wrong tout court as the sums might ultimately tabulate in favor it.

By counseling a morality of universal expediency, these philosophers have committed a woeful abuse of language (10, 17). The term "morally wrong" which they apply to the inexpedient action comes to us from an older vocabulary in which it was synonymous with "illicit" and "what there is an obligation not to do" (17). The word, "illicit," in turn, meant contrary to the divine law (17). Thus, to call something wrong was to say that one was obliged not to do it by the divine law.

When Anscombe's English philosophers had been using the word "wrong," they meant something altogether different than that an action was forbidden by the divine law: they meant that an action was a worse action, that it was a bad and inexpedient action. Moreover, they failed to recognize that their new meaning was incompatible with the old. In

particular, it escaped their notice that it was a hallmark of the old "Hebrew-Christian ethic" that actions of a certain description (adultery, for instance) are forbidden without regard to consequences (10).

The unremarked substitution of the notion of inexpediency for the notion of illegality under the mark "wrong" predictably sowed confusion among those exposed to the new English moral philosophy (8). In constructing their ethical systems, these men hoped that moral philosophy could be kept separate from theology. Terms like "wrong" and "ought" used in a moral sense held a "mesmeric" psychological force, presumably imparted from the majesty of a law pronounced and enforced by the omnipotent, omnibenevolent creator of the universe. The accused philosophers managed to capture this mesmeric force and attach it to their own moral systems when they gave new meaning to "wrong" and "ought." The price was paid in lucid thinking: to call an action wrong still conjured a peremptory awe but what was meant was that the action was simply inexpedient, not that it was verboten (10).

In happier times, the word "wrong" clearly stated something distinct from the word "inexpedient" or words like "unjust" and "cowardly." Anscombe asks us to suppose that the word "unjust" applies to certain actions purely in virtue of the facts, e.g., "judicially punishing a man for what he is clearly understood not to have done." (16–17). What would it add to the description of this action to say that it is not only unjust but (morally) wrong? In days when a divine law ethics was accepted, to include the word "wrong" swelled the description by telling the hearer that the action was one the divine law obliged us not to perform. By contrast, modern philosophers linking the word "wrong" to a chain of opprobrium are either adding nothing (though they invoke the word's mesmeric power) or calling the action inexpedient. (17–18).

Anscombe's cure for the unenlightening, repetitious malaise she observes in English moral philosophy is that ethics be placed in abeyance until such time as an adequate philosophy of psychology is developed (1). Should the latter come to pass, Anscombe places her hopes in a revived moral philosophy centered on the notion of virtue rather than that of moral ought or moral wrong. This new ethics would ground its claims about virtue in a sound psychology so as to link the virtuous with what makes for human flourishing (18).

Whereas Anscombe's recommendation for ethics as a whole is that it be suspended for the time being, she counsels permanent abandonment of its deontological component:

> [T]he concepts of obligation, and duty—*moral* obligation and *moral* duty, that is to say—and of what is *morally* right and wrong, and of the *moral* sense of "ought," ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it.

(1). As the preceding paragraphs have suggested, the problem with these terms has a historical explanation.

Anscombe notes that Aristotle never uses a word with the same sense that the word "moral" has in the foregoing examples of modern speech; she also emphasizes that he did not speak of obligation, much less moral obligations or moral blame (1–2). Accordingly, the "earlier conception of ethics" that left us with these deontic relics was the Christian conception of ethics: "Between Aristotle and us came Christianity, with its *law* conception of ethics. For Christianity derived its ethical notions from the Torah" (5). The consequence of Christianity's dominance in the long period between Constantine and the nineteenth century was that "the concepts of being bound, permitted, or excused became deeply embedded in our language and thought" (5). The terms "right," "wrong," and "ought," in their moral senses, were all defined by conformity to law.

In calling them relics or survivals, Anscombe indicates that something has changed in regard to the status of Christianity in modern culture and philosophy to pull the rug out from under the old deontic concepts. For one thing, secular philosophers have been attempting to explain the old moral terms without reference to God. But despite their best efforts, the notion of a moral law cannot stand without God as lawgiver—nor can any sense be made of a general moral obligation without conceiving of God as the being to whom the obligation is owed. Our[2] persistence in speaking about a moral law or a moral ought is just as nonsensical as speaking of a "verdict" when there is no judge and just as psychologically predictable as would be our continued use of the word "criminal" to describe theft in a world in which the courts and criminal law had vanished (6, 8). Our traditional deontic language retains its "mesmeric" power, but these words now refer to broken concepts, and as such, are no longer serviceable for moral philosophy (8).

Anscombe qualifies her fatal mandate for deontic concepts: these "ought to be jettisoned," but only if "this is psychologically possible" (1). In what follows, I show that it is not psychologically possible to give up deontology because questions of duty define a common form of moral experience. Not only does this establish that Anscombe's psychological exception applies, but insofar as we assume that non- or pre-Christian people have shared these experiences, it casts doubt on her position that deontic concepts are remnants of a more theistic past.

[2] It is not clear to me from Anscombe's article how far the problem with deontic concepts is supposed to run demographically. It is plain that she thinks secular philosophers, including her English moralists since Sidgwick, have been trying to produce an ethics without reference to the divine. Though not expressly stated, it also seems that she believes this is a more general problem for the culture as a whole. It would seem, however, that Anscombe should have no objection to the continuation of the use of deontic words and ideas among any group of people who retain the belief that the rules of morality are the rules of God.

2. Guilt a Deontic Experience

Guilt is a deontic experience. The thought that separates guilt from other negative feelings occasioned by bad deeds, like remorse or shame, is that one has done something wrong, that one has infringed one's obligation. My evidence and analysis in support of this claim will come chiefly from Gabriele Taylor, though she shares her conclusion about guilt's deontic character with other philosophers, such as Herbert Morris and John Rawls.

In *A Theory of Justice*, Rawls held that what distinguishes guilt as a moral emotion is not a particular "sensation or kinesthetic feeling" but the concept of a moral wrong (Rawls 1971, 480–81). Feelings of guilt "in the strict sense," are experienced by morally mature human beings who recognize that they have violated the obligations imposed upon them by the principles of justice (474–75).

Herbert Morris likewise tells us in his article "Guilt and Suffering" that guilt "incorporate[s] some reference to the conception of a limitation on conduct" (Morris 1976, 95). In cases of guilt, one sees one's conduct as "wrong and not just hurtful" (95). Although Morris would go on to acknowledge cases of genuine guilt ("nonmoral guilt") in which the idea of wrongdoing was absent, he continued to hold that moral guilt was a distinct class conceptually linked with transgression (Morris 1987, 220–22). I will consider what significance Morris' examples of nonmoral guilt have for my thesis at the conclusion of this chapter.

In the extended discussion of Taylor's view of guilt that follows, I will both present the arguments Taylor makes for her theory and complement these with my own points. For instance, some of the examples given will be taken from Taylor's work; others will be original to this paper. In either case, whether by relying on Taylor's reasoning or my own, my goal in what follows is to convince the reader that guilt is a deontic emotion.

2.1 Taylor's Method

In the title of her book, Taylor refers to pride, shame, and guilt as emotions of self-assessment. What justifies placing each of these emotions under the same heading is that each has a common object and is characterized by an evaluative belief about that object. Taylor says, "The self is the 'object' of these emotions, and what is believed amounts to an assessment of that self" (Taylor 1985, 1).

Although each emotion is directed at the self and includes an evaluation of the self, these emotions differ in the form of the content of their evaluations. Throughout her book, Taylor uses these divergent forms to differentiate the emotions that her study broaches. She is nonetheless humble about her methodology. She neither believes that emotions should always be analyzed in terms of their characteristic beliefs nor that such an analysis need exhaust the parts of an emotion. "A complete account would normally include consideration of other features, such as wants and wishes, sensations and physiological changes" (2).

Nonetheless, Taylor holds that certain emotions, including the emotions of self-assessment, are defined by their constituent beliefs. To describe the role that beliefs play in identifying emotions, Taylor sometimes says that these emotions "requir[e]" certain beliefs and other times that the beliefs are "constitutive" of the emotions (2, 3). Her choice of words expresses two distinct points. The first is that certain beliefs are necessary for specific emotions to obtain. For example, she characterizes the person feeling a burst of pride as necessarily "believ[ing] her worth to be increased" (41). If the person has no such belief, then she is not experiencing a burst of pride. The second point is that the beliefs are not just necessarily antecedent, coincident, or consequent to the emotion. Rather, Taylor's choice of the word "constituent" communicates that they are among its component parts. Returning to the example of a woman's burst of pride, the belief that her worth has increased is not

simply something that precedes, comes along with, or follows on what the woman feels but is integral to her emotion itself.

2.2 Taylor's Theory of Guilt, Its Evidence

On Taylor's analysis, the thought that defines guilt and differentiates it from other emotions linked with bad actions like remorse, shame, and regret is the idea that what I have done is forbidden or violates an obligation (88). She writes that the "crucial thought here is just that what I am doing is forbidden." "What is important for guilt is just that some form of action or abstention should present itself as obligatory to the agent . . ." (89).

One reason to accept Taylor's theory is that it accounts for guilt's mutability—the fact that seemingly any action can be the subject of guilt. All that is necessary is that the agent believe that his action is one that is contrary to his duty. A person may feel guilty about skipping church on Sundays, playing video games rather than attending a party, or flipping a light switch on the Sabbath. It is for this reason that Taylor suggests it is helpful to describe the person feeling guilt as believing that he has violated a "taboo" (86). To the European mind, taboos were sets of disjointed prohibitions, unconnected and unexplained by utility, harm, equity, or theology. In like manner, people sometimes feel guilty over actions without regarding those actions as harmful, unfair to anyone, offensive to God, or disadvantageous for themselves or their community. The common link that remains, however, is that what the person does "presents itself as wrong" (86).

That one who feels guilty need only represent what he has done as wrong points to a further feature of guilt captured by Taylor's account—it sometimes persists in the face of the agent's belief that the prohibition in question lacks justification (86). Guilt, like other "emotional responses," "notoriously do[es] not keep step with rationally arrived at decisions" (86). Correspondingly, "Taboos exercise great authority which is often strong

enough to survive to some extent and for some time any rational rejection" (86). This is so in Taylor's case of a lapsed believer who "has come to discard the religion with which he has grown up," but still feels guilty when he skips church services (86). When he views the matter "from a more rational point of view," this person may judge that there is nothing wrong with his not attending church, and yet, he may continue to experience guilt over the action (86).

Since guilt is not a mere sensation devoid of cognitive content, the affect and the belief that one has transgressed are part and parcel of the same emotion. This is true even though in a cool hour the person may decide the putative prohibition is invalid and without justification. This phenomenon evidences Taylor's theory by showing that the thought in guilt does not concern the grounding or justification for the obligation—be it God, other people, or the common good—but solely the deontic fact itself. It is psychologically plausible that an agent believes (as part of experiencing guilt) that an action is contrary to duty while at the same time holding that there is no good reason for the duty at issue. It is less plausible that the agent somehow believes (as part of the experience of guilt) that an action is hurtful to his community while at the same time holding that it is benign for the community.

Another reason to take on Taylor's account of guilt is its ability to distinguish similar emotions like shame, remorse, and regret. This strength recommends Taylor's view in two ways. For one, it is a theoretical virtue in and of itself that a theory of guilt distinguishes it from emotions with which it is often conflated. Guilt, shame, and remorse can co-occur. When this happens, even if we assume that the emotions carry distinct affects (a

questionable assumption itself),[3] the fraught task of extracting the intertwined threads of emotion may leave us with an inadequate analysis. Being able to distinguish guilt from shame by the characteristic thought in each leaves us with more insight.

The second way that Taylor's ability to distinguish guilt from nearby feelings favors her theory is derivative of the strength of these accounts themselves. When we notice the cogency in Taylor's analyses of shame and remorse, we see the conceptual space carved so as to leave guilt nowhere to go but the zone she assigns it. This preempts various rival anatomies of guilt: what one theory takes for the characteristic thought in guilt—harm to those we care about for instance—Taylor gives us positive reason to think is typical of a different emotion.

2.2.1 Guilt vs Shame

Whereas guilt is concerned with duty and transgression, shame is about someone's sense of how she stands relative to her working model for her life. When someone feels shame, she sees herself as degraded because she has not lived up to her self-ideal (68). "Thinking of herself as being seen in a certain way has revealed her to herself as inferior to what she believed, assumed, or hoped to be" (68). Shame is thus an injury to one's self-respect (80). Self-respect is concerned with a person's expectations for herself—what she will and will not do, what she will and will not suffer to be done to her (79–80). The expectations at issue are based on what the agent values for herself, that is to say, how she conceives the life she would like to lead (80).

[3] Rawls for one would disagree with this assumption: "What distinguishes the moral feelings from one another are the principles and faults which their explanations typically invoke. For the most part, the characteristic sensations and behavioral manifestations are the same, being psychological disturbances and having the common features of these." (Rawls 1971, 482).

Shame differs in this respect from humiliation, an emotion tied to one's self-esteem (78, 80). Self-esteem is not self-respect. Unlike self-respect, self-esteem involves assigning a relative or absolute quantum of value to oneself. The person with self-esteem thinks he is of worth because he is a good tennis player, because his forefathers fought at Agincourt, or simply because of who he is. Humiliation follows on a diminution in one's self-esteem: a professional tennis player may be humiliated if he is beaten by an unknown amateur. In this example, the outcome of the contest contradicts the player's self-esteem, i.e., his own high evaluation of his merits, and it is the discrepancy between self-appraisal and reality that makes for humiliation.

The woman with self-respect, by contrast, need not make a self-appraisal but need only have some model of herself she is resolved to follow, implicitly or explicitly. Indeed, to have self-respect, one need not be self-conscious[4] but may be wholly engaged in action, with the ideals constitutive of self-respect as goal and guide. While it is true that when she feels shame, she becomes self-conscious and feels degraded relative to her expectations for herself, this may be her first occasion to assign a value to herself. Striving to attain an ideal does not require that one give oneself an absolute or relative rating. It is only when one falls short that one gives oneself a bad grade, and this is still a grade relative only to the expectations constitutive of one's self-respect.

That injury to one's self-respect is the correct way to think about shame is evidenced by our habit of speaking of the person who has no standards for himself as having no shame. Taylor writes, "[I]f someone has self-respect then under certain specifiable conditions he will be feeling shame. A person has no self-respect if he regards no

[4] As we will see in the paragraphs below, the person who is self-conscious thinks of herself as an object, regarding herself as others would or as she herself would in a mirror.

circumstances as shame-producing" (80). This explains why shame, despite its negative affect and disabling fluster, is often treated as a good thing to have. Shame is a sign that a person has a sense of value—better to be a shamefaced villain than a bald-faced one (80). Furthermore, since shame is keyed to injuries to one's self-respect, it is ultimately a defense mechanism for one's self-ideal (80–81).

Taylor's account should also be credited for its explanation of the connection between shame and exposure to an audience. Exposure of one's nude body to others' sight figures in paradigmatic cases of shame, the shame of Adam and Eve being an early example. The connection between shame and an audience is nonetheless more complicated than such examples make it seem. Shame remains an emotion of self-assessment, and the relation of the eyes of the audience to the person's judgment about himself varies from case to case.

A person feeling shame may or may not agree with the judgment of the audience that sees him (60–61). We can imagine a poor boy whose new family home falls within the lines of an affluent school district. One day in the classroom, another student calls attention to his "cheap," generic sneakers and their connection to the limited means of his "broke" family. The boy may agree with the judgment of his peers that his shoes are bad and that being poor is bad. In this case, he will feel shame. On the other hand, the boy may disagree with the judgment of his peers; he may think that what clothes a boy's family can afford is something unimportant and superficial. This second boy may nonetheless feel shame even though he does not agree with the judgments of the audience. He may feel shame because he and his family have moved to this district of snobby children and he must go on stomaching their ridicule.

Taylor's best example is Cordelia in the first scene of *King Lear*. After watching her sisters' fulsome speeches to her father, Cordelia feels it would now be shameful for her to

profess her own love, however much her sincerity would differ from the falseness of her sisters. As Taylor explains the character's mind, Cordelia is thinking of the courtiers and their cynicism: "[S]he takes it that they know perfectly well what such fine speeches are worth: they will secure each daughter a part of the kingdom" (62). This is the only form of motivation the court will understand due to their own viciousness. To play into the court's expectations would be shameful, not because Cordelia would share the audience's appraisal of her actions, but because Cordelia would fail to disassociate herself from the court cynics. It cannot be the case that she shares their opinion, for were she to praise her father, she would know that her praise was sincere and unmotivated by hope of gain.

To understand the case, we can think of Cordelia as imagining a further observer who sees both her and the court. This observer would see Cordelia's speech and, in short, judge poorly of her for allowing herself to appear to be a cynic in the eyes of cynics. In other words, Cordelia would be letting the cynics generalize from their own case to hers, attributing their own base motives to her from lack of familiarity with anything better in their own persons. As Taylor explains:

> [F]rom a higher order point of view she sees that by making a fine speech in public her relation to that audience would change. If she acts as she is cynically expected to do she would make common cause with that audience and no longer be able to dissociate herself from it. But the audience is a worthless lot, taking it for granted that self-interest and gain are the only reasons for action. So from this point of view Cordelia sees herself as being seen as one of that worthless lot, and with that point of view she does identify.

(62).

What these examples show is that the function of the audience is not the same in all cases of shame (60). In a simple case, like the boy who is ashamed of being poor, the person feeling shame shares the judgment of his audience. In more complex cases, the person feeling shame disagrees with the audience's judgment but is ashamed that they are seeing her

nonetheless. A further lesson to be drawn from Cordelia's case is that the observer may be real, imaginary, or superfluous. While I described Cordelia as imagining an observer who would watch her giving a speech to the mean spirited men and women of the court, Taylor makes clear that a person in Cordelia's situation need not imagine a person watching her but need only be aware that her actions would appear to fit a certain description (talking of love before those who only comprehend sycophancy) (66).

What the idea of an observer or a description ultimately contributes to shame in all cases is a stimulus for self-awareness (67). In shame, one goes from being unselfconsciously engaged in one's tasks to seeing oneself objectively, to seeing oneself as another would see one:

> Shame requires a sophisticated type of self-consciousness. A person feeling shame will exercise her capacity for self-awareness, and she will do so dramatically: from being just an actor absorbed in what she is doing she will suddenly become self-aware and self-critical. It is plainly a state of self-consciousness which centrally relies on the concept of another, for the thought of being seen as one might be seen by another is the catalyst for the emotion.

(67). Taylor's analysis is plainly influenced by Sartre's theory that the look of the other is the beginning of self-awareness. Taylor even uses Sartre's example of the man making a vulgar gesture who becomes ashamed and self-conscious when he realizes he is being watched (57). The fact that shame involves a transition from unselfconscious engagement with the world to a painful awareness of self is further marked in Taylor's work by her insistence that the man with self-respect need not make a self-appraisal until he feels the blow of shame.

Taylor's theory is that in shame—when the possibility of our being seen in a certain way dawns on us—we see ourselves as low, ugly things. As such, her theory is evidenced by the close association between hiding and shame. The characteristic motivation of the person feeling shame is to conceal herself, just as you might attempt to hide an unsightly piece of furniture by stuffing it in a back room (90).

Taylor's account of shame has two features that contrast with guilt and thereby set off the latter's deontic character. The person feeling shame is thinking in terms of value and appraising herself as a human being. In other words, shame is concerned with value as opposed to duty and with the self as a whole, not one's particular actions.

Guilt is not concerned with value but with obligation. "[T]he person who feels guilty thinks in terms of duties not performed and obligations not fulfilled" (87). Hence, guilt is about the person's actions rather than her character. If someone makes a false promise to marry, what is shameful is to be a cad, while what is guilty is the breach of faith.

This is what we should expect for both guilt and shame. Insofar as shame is concerned with what a person is, it must be a matter of the person's worth—a *person*, strictly speaking, cannot be something right or wrong but only something good or bad. Likewise, to call an *action* good or bad appears to either be a case of using the words synonymously with deontic terms or a metonymy. If the latter, they mean that an action has good or bad consequences, that it is done with a good or bad will, or is the kind of action that a virtuous or vicious person would perform. Thus, deontic concepts go with actions while value concepts go with persons and things.

Guilt applies to actions and to persons only in virtue of their actions (including their voluntary thoughts).[5] Whether in the casuist's armchair or the courtroom, the question of guilt is a question of actions and intentions. The link between guilt and action is especially strong in modern liberal jurisprudence. In such a legal system, it is commonly thought that liability to punishment is a concomitant of guilt and that punishment is only for a person's actions and not what she is (89).

[5] We shall soon see though that the practice of speaking of guilty people is not also a metonymy but makes good conceptual sense.

Although we must be careful to distinguish the question of a person's guilt vis-à-vis a system of positive laws from both her moral guilt and her guilt feelings, the conceptual link between guilt and action is the same in each. As Taylor explains, when we think of a country's legal system, whether or not someone is guilty is a fact about what she has done and whether the law forbids it (85). Of course, a person may deny the authority of a law, recognize the fact of her guilt, and not feel guilty (85). When Steve McQueen's character was recaptured in *The Great Escape* and tossed in the "cooler," he certainly knew he had violated the rules of his Luftwaffe prison camp (i.e., that he was guilty of trying to escape), but he had no compunctions as he tossed his baseball against his prison's walls.[6] On the other hand, there will be a link between guilt and guilt feeling just in case a person accepts the authority of the law she violated (85).

On Taylor's analysis, the concepts shared by juridical guilt and guilt feeling point to another contrast between guilt and shame: whereas shame is global and covers the whole person, guilt is local and fixed by specific transgressions. Guilt, in both its juridical and emotional forms, recognizes the difference between a bad man and a man's misdeed. "[G]iven that he has at one time broken one law, it does not follow that he has also broken others, or that he will go on breaking the law" (89). While this is a truism of contemporary legal systems, emotionally, the person feeling guilt knows this as well. According to Taylor, he "accepts that he has done wrong but does not think of this wrong-doing as affecting his overall standing as a person" (90). The person experiencing shame takes a different attitude towards his misdeeds. He does not see himself as a man "who at some point, for instance, committed a burglary, but rather sees himself as a burglar" (90). "What he has done is not alien to himself but on the contrary expresses what he really is" (90).

[6] The rules of a POW camp are John Deigh's example.

Here again we see why the characteristic response of the person feeling shame is an urge to hide. If one is essentially a scoundrel, "[t]here is nothing to be done, and it is best to withdraw and not to be seen" (90). The hallmark motivations of the person feeling guilt, by contrast, reflect its limited character. "If I have done wrong then there is some way in which I can 'make up' for it, if only by suffering punishment" (90). (We could mention reparation and supererogatory acts in this connection as well).

Her insistence on guilt's attention to particular actions notwithstanding, Taylor is still committed to the view that guilt, like shame, is an emotion of self-assessment. To experience guilt, the action in question must still be regarded as *my* action (91–92). Even in cases when culpable choice is lacking (a morally hapless lorry driver perhaps), one still must think of oneself as a causally responsible agent, albeit perhaps an unwitting one (91). This conceptual limitation is marked by the fact that you may feel shame for what your children do but cannot feel guilt over their actions (unless it is guilt for something you did in raising them) (91–92).

This idea of responsibility directs us to Taylor's secondary message about guilt—that it is a weight, a burden, a stain.[7] "Guilt is a burden he has to carry, he cannot disown it, it must leave its mark upon him" (92). The guilty person sees himself as having disfigured himself by an isolated violation of obligation but otherwise regards himself as retaining his status and character. In Taylor's example, the communist who feels guilty about his privileged status regards his privileges as "the stain" "on an otherwise admirable communist" (92). On the other hand, if such a person feels ashamed at his privileged status, then he will think of his privilege as "threatening his status as a communist altogether" (92). When I am ashamed, "I see myself as all of a piece, what I have just done, I now see, fits only too well

[7] I will present my own arguments for this view in Chapter Four.

what I really am" (92). With guilt, by contrast, I think of myself as having done something forbidden and in this respect "disfigured a self which otherwise remains the same" (92).

The idea of a moral stain meshes well with the motivation of the guilty person to acts of expiation (93). Just as a piece of furniture can be restored by removing the tea stain on it, the guilty person hopes to be restored through punishment, repayment, or supererogation. Here again, a contrast is possible with shame. There is nothing to be done but to hide or discard a piece of furniture that is essentially ugly or shoddy, one made of rotten wood or by an inept craftsperson.

2.2.2 Guilt vs Remorse

Taylor persuasively rebuts a competing hypothesis about guilt—that it is about harm done to others. Given guilt's mutability, it is not uncommon for a person to feel guilty about an action which has caused no harm. Taylor gives examples of people who feel guilty for failing to develop their talents or suffer from bad conscience after a suicide attempt about which no one else knows (88). The most compelling feature of Taylor's argument, however, is its association of the harm attendant upon a moral wrong with remorse rather than guilt.

Remorse is an emotion felt about a wrongful action and its consequences that an agent now wishes she had not done (98). It is like regret in lamenting what has happened but unlike regret in that what has happened is the agent's own moral wrong and its results. Regret need not pertain to a moral wrong (one can regret seeing *Fantastic Four* instead of *Ant Man*) nor even an action (regret for the passage of summer) (98). The person feeling remorse necessarily wishes to undo what she has done: if she could make her decision again, she would choose differently. The person experiencing regret over her actions may sometimes wish she had acted differently, but she need not always feel this way. "It is possible to regret an action but accept it as the thing to do under the same description: she regrets sacking the

employee because the girl was so easily crushed, but she had to be sacked, nevertheless, because she was so inefficient" (99). Insofar as it is possible to "turn back time" by repairing the harm done, a person claiming to experience remorse is suspect if she does not take the reparative steps available to her (99).

Like guilt, remorse is a moral emotion. Where it differs from guilt is its focus on harm done and the concomitant motivation to fix that harm. Unlike guilt, remorse is not an emotion of self-assessment. "The thought in remorse . . . concentrates on the deed rather than on the agent as he who has done the deed" (98). As we saw in the discussion of shame, guilt is about violating a duty and the stain left by that violation. Guilt is an emotion of self-assessment because the guilty agent thinks of herself as disfigured or stained by her violation of duty.

This is demonstrated by the fact that atonement for guilt need not take the form of repairing any outward harm done or of compensating the victim but may consist of activities collateral to the offending act such as the acceptance of punishment, self-imposed austerities, or supererogatory acts to benefit a person other than one's victim (103–04). The remorseful person by contrast would like to undo what has been done and failing this, attempts to repair the damage she believes that her wrong has brought about (99).

This is not to say that guilt and remorse do not often go together and do not often result in the same actions. If the lion's share of moral prohibitions a person accepts concern actions that harm others, then a person may experience both guilt and remorse and respond to them in the same way—by seeking to put back together the pieces of that which she is broken. Consider a guilty, remorseful shoplifter. He returns to the scene of his crime the next day and puts the merchandise he stole back in its place. In this single act of restoration, the shoplifter attempts to undo the harm he has done to the merchant and at the same time

expunge his guilt. In an example given by Taylor, remorse and guilt are felt about the same event and expressed in succession. After murdering Duncan, Macbeth first expresses his remorse, saying, "Wake Duncan with thy knocking: I wish thou could'st" (100). Later, his inability to say "amen" is a sign of the embarrassing weight of guilt upon him (100).

There are also cases in which remorse is present but guilt is not. Consider a modern teenager (Sarah) who lives on a farm. She prides herself on her gentleness and sensitivity. To provide for an unexpected guest, however, she gives permission for a pet lamb (one she had named and nursed from a bottle after its mother died) to be slaughtered. This young woman may then feel shame (because allowing one's pets to be killed is not the thing a ladylike girl of a tender heart would do) and remorse (because she thinks of the harm to the lamb—its pain, its loss of blood, its loss of life). Since she experiences remorse, she wishes she had not given her permission and regards the killing of the lamb as something bad and deplorable. She does not, however, regard the killing of the lamb as something wrong. If she initially feels glimmers of guilt, these feelings are forestalled through moral reasoning. She simply does not believe that slaughtering animals for food (with the exception of dogs and cats) can be wrong. On the contrary, she believes that people *may* use livestock animals for food. Hence, even though she laments the death of her lamb, she does not think she has done something prohibited.

In contrast with this first teenager, consider a girl of thirteen (Violet) who has recently become a vegetarian because she thinks it is wrong to kill animals for food. We may add that she considers her new commitment a pledge that she will not be party to the killing of animals for cuisine. On arriving at her older cousin Sarah's house, her younger cousin Iris devilishly informs her that Sarah's lamb was killed in anticipation of her arrival—"too bad she did not inform her uncle's family sooner of her new convictions." Violet may feel shame

(because she has compromised her new vegetarian identity), remorse (because she thinks of the harm to the lamb—its pain, its loss of blood, its loss of life), but also she may feel guilt (because something she has done or neglected to do has resulted in the killing of a lamb for her meal). Unlike Sarah, who sees the killing of pet livestock as simply bad and to be avoided, Violet believes not only that killing animals for food is wrong but that it is wrong for *her* to do so because of her vegetarian pledge.[8] Hence, in this case, she believes she has violated her obligations and experiences guilt.

Finally, there are instances in which a person experiences guilt but not remorse. Taylor gives two examples. The first is from Greek myth and illustrates how you may think that an action was the only reasonable choice given the interests at stake but was nonetheless wrong. Agamemnon believed that he had to sacrifice his daughter for the Greek fleet to sail. In his mind, the departure to Troy was "the overriding good" (99). So long as he believed this, the king "could not have felt remorse" (100). He could have felt regret, wishing that circumstances had not forced him to sacrifice his daughter for the sake of his goal, but so long as he continued to believe that Iphigenia's death was necessary for the Greeks' enterprise and that the enterprise was of predominant value, he could not have the remorseful wish to undo his deed.

[8] A study of vegetarian children from non-vegetarian families revealed that these children cite animal suffering rather than personal preference (e.g., taste) as the reason for their own abstention from meat (Hussar and Harris 2010, 634). Surprisingly, these same children (moral vegetarian children) do not morally condemn those who do not opt to be vegetarian (634). A later study found that moral vegetarian children do condemn hypothetical children who first become vegetarian for moral reasons but then backslide and eat meat (637–38). In fact, all children in the study (family vegetarians, vegetarians who cited taste and inclination as their reasons, and non-vegetarians) condemned the hypothetical backsliders (637–38). To the researchers, this result confirmed their hypothesis that moral vegetarian children conceived of their vegetarian commitment as a promise that a backslider would be violating, a basis for condemnation not applicable to the unpledged (637).

That he continues to accept the paramount importance of the Greek war effort, however, need not prevent Agamemnon from experiencing guilt. Without claiming that the figure of the stories did suffer from guilt, Taylor points out that one in Agamemnon's position "could have" felt it (100). The obligation not to kill the innocent, or the taboo against killing one's own offspring, need not be relaxed, even when circumstances make killing the best option. Agamemnon could have believed that he had transgressed by killing his daughter, while believing that the importance of avenging the honor of the Greeks made the killing the better course. A person may stand in this position because one's deontic beliefs, one's sense of duty, may dictate different actions than one's value beliefs, one's sense of what is better and worse.

A guilty Agamemnon would also know the burden that transgression brings with it. The guilty person who has done the better action is not exempted from guilt's moral stain—"that an action is thought to be necessary under given circumstances does not interfere with the adverse effect which having done the deed may have on the agent" (100). A ruler like Agamemnon, who feels the weight of guilt but does not repent what he has done, may comprehend his position with the thought that guilt is one more burden of kingship, one more reason that the head that wears the crown lies uneasy. Indeed, it is controversially said of people in charge that the willingness to dirty their own hands for the greater good is an exemplary, if not essential, part of leadership. By these lights, a queen must stand willing to render herself evil for the benefit of her people. Thus viewed, guilt is another instance of the personal sacrifice that a leader must make.

Taylor's second example is of a blackmailed person who kills his blackmailer (100). Having suffered for some time under the exactions and cruelty of the blackmailer, the person who frees himself by killing his tormenter may feel guilt but not remorse. He feels

guilt because he believes that killing is wrong outside of war or to preserve one's own life. Yet all the same, he is not remorseful: he thinks the world is a better place without his victimizer, and he could not bear to return to his prior vulnerable and exploited state.

After the fact, the blackmailed person remembers too well his former pain and desperation to wish the blackmailer still alive. Indeed, the same indignation, the same hatred he had felt when plotting the homicide are still with him. His attitude towards the act (it was good that the blackmailer, a low, wicked person die) is unchanged but his attitude towards himself has been altered, for he is now the one guilty of murder. Certainly, the criminal law does not excuse or justify the person who kills his blackmailer. After all, the blackmailed person has a further option for terminating the extortion—he may reveal the compromising truth himself—and killing one's blackmailer is not self-defense. Even the members of a jury may say, "Yes, the world is a better place without this cruel man, but the law permits none of us to take such a step." In like manner, a person's own conscience may convict him by the same deontic logic.

3. Deontology a Perennial Concern

The lesson I draw from Taylor's work is that the idea of obligation is constitutive of the experience of guilt. A person feeling guilty represents himself as having done something wrong. This fact has two consequences relevant to Anscombe's recommendation that we give up deontology.

The first consequence concerns the psychological need for deontology. Anscombe conditioned her call to abandon deontology on its being psychologically possible to do so. In section 3.1, I will show that this qualification on Anscombe's thesis applies: if moral theory is to possess an answer for the guilty person wondering whether her guilt is appropriate—i.e., whether she has in fact done something wrong—it must concern itself with deontology. So

long as we take it to be psychologically impossible to render healthy people insusceptible to guilt, guilty people will continue to query what morality requires of them and whether they have met those requirements. If moral philosophy is to be of use here, it must include deontology.

The second consequence is a greater threat to Anscombe's position. The link between guilt and the deontic shows not only that we contemporary Occidentals cannot do without a moral theory that encompasses deontology but that, contra Anscombe, deontology is not dependent upon the idea of a divine lawmaker in the first place. For given its primeval profile, guilt is not on its face an appendage of Christian culture. And if guilt is not an appendage of Christianity's divine command ethic, then neither are the deontic concepts embedded in guilt feelings. In section 3.2, I will develop and defend this argument. Initially, I will contend that guilt is a basic, universal human emotion, and as such, is not specific to cultures that subscribe to an ethics of divine command. Recognizing reasonable doubts, however, about the strong claim that guilt is a universal emotion, I will make the same point about guilt's independence through the weaker thesis that people in at least some cultures without a divine command ethic experience guilt. My example for this purpose will be a study by psychologist Olwen Bedford on guilt in China. Lastly, I will consider an objection to the treatment of guilt as a monolithic, deontic phenomenon that is based on the existence of "nonmoral" forms of guilt identified by Herbert Morris.

3.1 Guilty Minds

I have contended that in feeling guilty, a person believes that she has done something wrong. Such a person, however, can and at least sometimes should question whether her guilt feelings are justified. Whether or not they are justified depends upon whether or not her belief that she has done something wrong is reasonable. In order to

answer that question, she may reflect on the features of the situation in which she acted, compare cases, consider what a virtuous person would have done, or seek and apply moral principles. Philosophical reflection after this fashion and about the larger question of what makes actions right or wrong is deontology. Thus, the questions that Anscombe recommended philosophers eschew are just those questions that are pertinent to a person struggling with conscience. In the paragraphs that follow, I will present examples of ordinary people whose consciences confront them in deontic terms.[9]

Suppose that a man (Marc) suspects that his married friend (Josh) is having an affair with another woman. On a date of his own at a restaurant, he sees Josh across the room romantically kissing this woman. Josh calls the next day, fretful and abashed, asking that Marc keep his secret. Marc values this friendship and is averse to confrontation; so he tells Josh, "your secret's safe with me." A few months later, Marc is having lunch with Sue, Josh's wife. Sue tells him that she and Josh are hoping to conceive a child next year. Unable to let her make this decision without knowing of her husband's infidelity, Marc tells her about what he saw at the restaurant.

That night, Marc is troubled by the dramatic turn of events. Initially, during his drive home, he feels guilty about telling Sue the truth about Josh. This is not a comfortable feeling for Marc, and his agitation holds his attention on his conversation with Sue. His guilt feeling

[9] To be clear, the need for deontology is not a special mandate for those moral systems that are usually labeled deontological, such as Kant's a priori ethics or Ross' intuitionism. Even those ethical systems which are said to "prioritize the good over the right" nevertheless contain a deontology or the materials for one. In Mill's moral theory, pleasure is good, and actions are *right* insofar as they tend to maximize pleasure and minimize suffering. According to the virtue ethics espoused by Rosalind Hursthouse, some actions are required by certain virtues (Hursthouse 1999, 6). One can be a consequentialist or a virtue theorist and yet be of service to the person wondering whether what she did was wrong, so long as one provides a way to derive what actions are right and wrong from what traits, people, or states of affairs are good or bad, virtuous or vicious.

tells him that he has done something wrong. Later, once Marc is back home with time to reflect, he asks himself whether his guilt is warranted, whether what his guilt is telling him about the rectitude of his conduct is true. On the one hand, he had told a friend he would keep a secret and failed to do so. On the other hand, Sue stood to suffer greatly bringing a child into a relationship with an unfaithful husband. In his mind, he tosses over a multitude of considerations: promises are to be kept, children of broken homes are apt to suffer, adultery is wrong, friendship should be cherished. After having time to deliberate, Marc changes the initial opinion reflected in his guilt feelings. He comes to the conclusion that telling Sue was the right thing to do. With this new conviction, Marc's feelings of guilt subside.

The significance of Marc's case is that guilt is prodding him to ask deontic questions. His unquiet, guilty mind presses rational consideration of the belief, implicit in his guilt feelings, that he has done something wrong. Marc's experience can be compared to a person who feels disgust contemplating a used pair of shoes. The disgusted person represents the shoes as dirty—the belief that the shoes are dirty is part of her disgust. Noticing her feeling of disgust, she may then go on to question and rationally assess whether the shoes are in fact dirty. Remind herself that they have been washed in hot water and sprayed with disinfectant, her disgust may vanish along with her belief that the shoes are dirty.

In Marc's case, we see an example of a person feeling guilty, questioning whether his guilt is appropriate, and attempting to reach an answer—straining and chewing over the disparate pieces of putative moral knowledge in his possession. The pertinent question for Marc is, "Did I do what I ought to have done?" In keeping with the above analysis of guilt, Marc's question is not that of the person experiencing remorse or regret—he is not wondering whether he could have done better. Rather, his question concerns what

Anscombe called the "moral sense" of "ought." It asks whether he has done something impermissible; it is a deontic question on all fours with Kant's query, "What must I do?"

Marc's problem contains just the kind of question that Anscombe recommended moral philosophy ignore, and yet it seems that moral philosophy could be of use to Marc. Even if different philosophers would reach different verdicts in Marc's case, they can nonetheless offer guidance. At the level of formal moral theory, a utilitarian might guide him by advising him to focus on the consequences and remind him of the long-term harm he has likely averted by allowing Sue to break off a doomed relationship before children came into the home. A virtue theorist could remind him that friendship lies in the mean between obsequiousness and superciliousness. A student of Ross could teach him that the duty to keep your promises is not always decisive but must be balanced against other duties like the duty of beneficence.

The prospect of guilt can also play a role in prompting us to probe the ethics of our future actions. It sometimes happens that when we contemplate doing something we believe would be wrong, we think of the guilt that would follow and are dissuaded from our meditated course of action. There are also times when we imagine ourselves doing an immoral action and experience guilt, just as if we had imagined stepping off a precipice and felt the anxiety we would experience were we actually on the edge of a cliff.

A person like Sue may feel guilty when she thinks about getting a divorce despite her belief that it is the best course of action. However, she may alter her judgment after considering whether there is good reason to believe that divorce would be wrong in her circumstances. As was true of Marc, the issue for Sue concerns the content of her obligations, and deontological philosophy is capable of offering guidance about the rectitude of divorce in Sue's case and the reasons bearing on the decision.

I have asserted that thoughtful lay people can learn something from philosophers who have contemplated what makes actions right or wrong. Even if one feels that philosophers should not be preachers and counselors, the theoretical need for deontology remains. Questions of obligation will not disappear from human life even if philosophers eschew them while at their writing desks. Insofar as there are preachers offering advice about right and wrong and as long as there are people—including philosophers themselves in their private lives—seeking answers to deontic questions with rigor, philosophy will be invited to study deontology to oblige them, although it may leave the immediate business of counseling and casuistry to others.

A philosophical theologian who investigates the attributes of God might wish to separate what he does from preaching too. Nonetheless, we would think him remiss to ignore a question about God's nature that often recurs for the pastor. The congregant asks, "Why did God take my baby son and not me; I have sinned and he is innocent?" The pastor is unlikely to recite a scholarly tome to such a man, but the analysis of a philosopher–theologian thinking about the problem of evil could help the pastor explain how God could let the innocent die yet suffer the guilty to live. Thus, the philosophical theologian has reason to arm the pastor by analyzing the compatibility of God's omnipotence and benevolence. And indeed, should a comparable tragedy befall him, the theologian will find himself asking the same question posed by the congregant and in need of the same intellectual assistance sought by the pastor.

3.2 Guilt in Cultures Without an Ethics of Divine Command

Anscombe's argument that deontic moral concepts are dependent on a divine law theory of ethics is premised on the historical claim that deontic morals come from Christianity. By pointing to the pious past, Anscombe aimed to show us how deontic

concepts were coherent and meaningful with God but ceased to be so without him. The presence of deontic concepts in guilt, however, casts doubt on this position. So long as we accept that guilt is found in cultures that have not held a divine command view of ethics, then we have reason to believe that deontic notions have subsisted without such a view. This subverts Anscombe's genealogical argument in two ways. First, if guilt and deontic thinking can exist apart from ethical monotheism, then Anscombe's genealogical argument lacks its raison d'être, there being no special need to explain how deontic morality appeared at any particular time or place. Secondly, insofar as we still hold to the assumption motivating the genealogical argument that belief in moral duties and the "moral sense of ought" would not have arisen had they not once been coherent and meaningful thoughts, the existence of deontic ideas among peoples without a divine command ethic suggests that they are conceptually sound exclusive of this religious background.

In this section, I will offer reasons for accepting that guilt is and was familiar to people living in cultures without a divine command ethic. I will first argue for the stronger thesis that guilt is an emotion encountered by people of all places, at all times. My arguments for this will focus on the intuition that all emotions are part of a common human nature. Acknowledging reasons to doubt the stronger thesis, I will then offer examples of guilt feelings in a culture that lacks a divine command ethics.

3.2.1 Guilt a Universal Emotion

Earlier in this chapter, I described guilt as having a "primeval profile." This assertion reflects my sense that guilt, like other emotions such as fear, disgust, envy, joy, and sadness, is rudimentary to our humanity. This impression, I think, is motivated by the stirring, sometimes violent force in the affective component of our emotions. We feel shame in our hearts, sudden bereavement in our guts, and fear in our skin. The connection of affects with

the body suggests to us that we are meeting forces that are primal, animal, and hence acultural. This seeming connection between feeling and physicality is bolstered by the belief that at least certain emotions (though probably not guilt and shame) are shared with other animals who lack culture and higher cognition.

In this section, I will review some of the empirical work in psychology and anthropology bearing on the question of whether guilt and other familiar emotions are part of universal human nature or instead culturally contingent. The literature reveals that this is a fraught topic about which there is limited consensus among empirical researchers. Ultimately, while we will see that the extant research furnishes evidence to believe that guilt is universal, there remain disagreements over the correct way to interpret that evidence. In light of these disagreements, we must be cautious about asserting that, for any given English emotion term familiar to us, there is an emotion experienced by people of all cultures corresponding in every part with the referent of our term.

In the psychological literature on whether emotions are culturally specific, Charles Darwin's book *The Expression of the Emotions in Man and Animals* appears as an influential forerunner of the contention that the emotions are part of shared human nature. Darwin's volume describes in great detail the changes in bodily attitude and facial expression accompanying various emotions in both humans and animals. To develop these descriptions, he sought information from correspondents in far-flung countries and incorporated photographs to illustrate the common changes in posture and countenance that he identified.

Notably, Darwin included guilt in the emotions surveyed. He reports that his worldwide correspondents agreed that a distinct expression of guilt could be recognized "amongst the various races of men" (Darwin 1899, 428). The guilty man is reported to

"avoid looking at his accuser, or to give him stolen looks"; he "waver[s] from side to side" or his eyelids are "lowered and partly closed" (428).

By including descriptions of emotion expression in animals alongside those of humans, Darwin was not simply spreading the scope of his study but also seeking an explanatory principle. Expressions of emotion, like other traits, could be accounted for as inherited adaptations (587–96). Likewise, Darwin's interest in expressions of emotions in faraway lands was not a mere matter of completeness; he had a theoretical interest in whether the expressions of the emotions were innate or acquired. Insofar as they were inborn, their variety could be subsumed into the evolutionary account (585–86).

In his conclusions, Darwin allows for the influence of custom on emotion expression but gives pride of place to innate endowments. He admits that there are a few expressions that are learned, as words of a language are learned, and points to the nodding or shaking of the head for approbation or disapprobation as examples (572–73). Nonetheless, most are innate dispositions. Darwin writes, "That the chief expressive actions, exhibited by man and by the lower animals, are now innate or inherited,—that is, have not been learnt by the individual,—is admitted by everyone" (570). He adds, "So little has learning or imitation to do with several of them that they are from the earliest days and throughout life quite beyond our control; for instance, the relaxation of the arteries of the skin in blushing, and the increased action of the heart in anger" (570). As further evidence, he tells us that these changes are even seen in children of two or three years and in those born blind (570–71).

Apart from the expressions themselves, Darwin conjectured that the ability to recognize them in others was likewise innate and inherited (580). The tenor of his conclusions shows that he was less confident in this thesis than the former (580–81). He allows, for instance, that the ability of monkeys and dogs to recognize a small number of

human facial expressions (smiling, for instance) could have been learned by individual creatures through association (581). At the same time, he sees significance in the reactions he observed to the photographs used in the book; Darwin found that nearly everyone to whom he showed them identified each photograph with the same emotion (584–85).

During the late 1960s and 1970s, psychologists inspired by Darwin's theories began performing experiments to test his claims about the expressions of emotion and their recognition (Mesquita, Frijda, and Scherer 1997, 257). Paul Ekman was a leading researcher in this new field. He conducted an early study that found subjects from New Guinea, Borneo, the United States, Brazil, and Japan largely agreed about which of six translated emotion words (words for happiness, fear, disgust, anger, surprise, and sadness) to assign to each of several photographs of American faces selected by the researchers (Ekman, Sorenson, and Friesen, 1969). Follow-up trials by Ekman and other researchers, notably Carroll Izard, replicated these results in studies that embraced more countries or used photographs of New Guineans rather than Americans (e.g., Izard 1971; Ekman 1972).

While this research tested the recognition of expressions of emotions across nations, other investigations studied expressions themselves. For instance, Paul Friesen conducted an experiment in which a series of Japanese or American students were left in a room alone with a concealed camera to watch four films (Ekman 1973). One of the films depicted a pleasant canoe trip while the other three—labeled "stressful" by the researchers—were graphic recordings of invasive medical procedures. The experimenters reported that the facial expressions of the Japanese and American subjects while watching the films did not differ. Another study of people born deaf and blind performed by Irenäus Eibl-Eibesfeldt found that they produced the same facial expressions as sighted and hearing persons for a range of emotions (Eibl-Eibesfeldt 1973).

In the early 1990s, Klaus Scherer and Harald Wallbott published the results of a mammoth global study of emotion response—the capstone of the universalist research program in psychology (Scherer and Wallbott 1994). While standing in the same tradition as Ekman and Izard, Scherer and Wallbott's work surpassed what had been done before in breadth and complexity. Their study covered thirty-seven countries from five continents and employed a large team of global collaborators to test whether seven emotions were universal or culturally specific (310). In a significant difference from the work reviewed above, they included guilt alongside joy, fear, anger, sadness, disgust, and shame (313).

Scherer, Wallbott, and their confederates obtained data by administering questionnaires (314). They divided the questionnaires into seven sections for each of the emotions studied. At the top of the first page of each section, they wrote the relevant emotion word, translated into the local language. For each of these words, they asked the subjects to recall a time when they had a strong experience of the emotion named. For the next step, the questionnaires asked about several components of emotion: (1) subjective feeling state, including duration and intensity; (2) physiological symptoms, including expressive reactions (e.g., frowning or smiling) and behaviors (e.g., approach or withdrawal); and (3) verbal reactions, including changes in tone of voice (313). To guide their answers, respondents read lists and checked those features they remembered being part of the emotion in question (314).

Statistical analysis performed on the data collected from the questionnaires revealed strong patterning for each of the emotions surveyed. (326) That is to say, reports of each emotion component were not evenly spread but clustered around each emotion. For example, the data with respect to guilt revealed a profile distinct from that of the others: far

fewer reports of aggression and smiling but far more reports of the emotion lasting a long time and the subject remaining silent (320, 323).

In line with the patterning effect described above, analysis of variation performed on the data revealed that the emotion at issue was strongly predictive for each emotion component in the study (317). By contrast, the same form of analysis revealed that the country in which the survey was conducted was a much weaker (though nonetheless statistically significant) predictor of reports of the emotion component. Likewise, the interaction effect (here, a measure of the effect of the country variable on the predictive strength of the emotion variable) was even weaker. This last statistical measure is especially meaningful because it evidences the independence of the predictive value of asking about a particular emotion from the country in which the question is asked.

As Scherer and Wallbott acknowledge in their paper's conclusions, the most significant result from their study is the way that emotion components—encompassing reports of physiological changes, behaviors, verbal expressions, and felt experiences—cluster about particular emotions (326). The clustering of these components is evidence for a universal set of emotion-component patterns. However, as we will see, whether the cross-cultural incidence of these patterns demonstrates that the emotion with which each is associated is actually the same emotion in each country cannot be taken for granted.

While the above evidence for the universality of the emotions has come from the field of psychology, much of the evidence in favor of their cultural relativity consists in the ethnographic work of anthropologists.[10] Unlike the large cross-cultural surveys conducted by psychologists like Ekman and Scherer, the ethnographic work favoring cultural relativity is

[10] The difference of opinion and perspective between the two groups is strikingly illustrated by the scathing review Margaret Mead gave one of Ekman's books (Mead, 1975).

composed largely of dispersed but deep reports of anthropologists embedded among one people for an extended period of time. Returning from the field, these anthropologists often reported that thought, feeling, and behavior did not fall along the familiar lines defined by our emotion concepts; frequently, they observed that there was no local equivalent for an English emotion term like "sadness" or "anger."

For example, anthropologist Jean Briggs, who lived for a number of years with the Inuit reported that anger was very rare among them and greatly feared and disfavored. Moreover, there were multiple emotion words in the Inuit language having to do with verbal aggression, violent aggression, and sullen or peevish behavior, none of which was a true equivalent of our word "anger" (Briggs 1970, 328–34). Tellingly, each of these words was negative; none of them could be used as terms of praise for a justified attitude of an adult to another adult as is sometimes the case in the West (328). Similarly, Cliff Goddard recounted that the Malay language has no synonym for our word "anger" (Goddard 1996, 437). The word to which it is often translated, *marah*, comes nearer to "offended" or "resentful" as it describes a passive, brooding state triggered by personal slights and disrespect (437–39). The literature is not limited to anger: Robert Levy related that the Tahitians have no word corresponding to our term "sadness" (Levy 1973, 305). Speaking of two "[f]airly competent French-Tahitian bilingual speakers," he reported that they "did not understand the meaning of *triste* in its sense of 'sorrowful, mournful, sad, melancholy, dejected' and defined and used it as *haumani*, 'fatigued,' or *maru*, 'gentle'" (305).

Apart from reporting on the absence of seemingly basic emotions in other cultures, anthropologists have reported the presence of unfamiliar emotions among non-Western peoples as well. Michelle Rosalado describes an emotion among the Ilogot people of the Philippines that they call *liget*, a feeling comparable to a nebulous mixture of envy, anger, and

raw, undirected excitement or passion (Rosaldo 1980, 22, 48). Briggs reports three emotion words in the Inuit language for sadness at the thought of being left alone but no generic word for sadness (Briggs 1970, 351–52). To give a final example, Japanese psychiatrist Takeo Doi has emphasized the Japanese emotion of *amae*, a feeling of warmth and dependence as one has towards one's mother or other doting benefactor, as key to understanding the nation's culture (Doi 1971, 8, 45).

Given the disagreements among empirical researchers about whether the emotions are universal, what should we say about the status of guilt? Scherer and Wallbott's study provides us with evidence that guilt is associated with a definite profile of behavioral, pathological, and expressive characteristics. However, the anthropological evidence should teach us caution in interpreting this data. If other cultures appear to lack emotions that we have and to have emotions that we lack, we must be open to the possibility that emotions such as guilt, shame, and remorse, with all their precise cognitive differentiae, are as peculiar to the West as *amae* is to Japan.

One way of reconciling these two perspectives is to be meticulous about the level of description at which we are posing the question of universality. As psychologists Batja Mesquita and Nico Frijda have argued, the problem of transcultural emotions is best broached by breaking up an emotion like sadness, anger, or guilt into its different components and then asking which of these components is present in a foreign culture (Mesquita and Frijda 1992, 179–80). The psychological research evidences that some of these components cluster together around translations of familiar English emotion terms. Nonetheless, while the distinct profile of emotion components associated with the word "guilt" and its translations in the languages of the Scherer–Wallbott study may represent a basic human potential, we should be hesitant to identify that profile with our fully

articulated, monolithic concept of guilt. As the discussion of Taylor's models has taught us, the boundaries between emotions may depend upon cognition and context as much or more than they do a distinct affect, bodily changes, or behaviors. The Japanese emotion *amae*, for instance, is defined by interpersonal relations (dependence, nurturing) as much as it is by a particular feeling (warmth) (Doi 1971, 8, 45).

At the end of the day, the results obtained by Scherer and Wallbott should make us confident that there is a set of emotion components in the neighborhood of guilt, call it guilt*, that is universal. However, we should hesitate to assert that guilt itself, fully analyzed and explicated in this paper as a deontic emotion, is a cross-cultural constant. In other words, the present state of empirical work on the emotions does not allow us to assert that wherever there is guilt*—presumably everywhere in the wake of Scherer and Wallbott's work—then there is also guilt.

The purpose of the foregoing incursion into psychology and anthropology has been to determine whether we are warranted in asserting that guilt is a universal emotion. The relevance of this point for the arguments of this chapter is that if guilt is universal, so are its constitutive deontic concepts. If that is the case, then we can simply assume that deontic moral concepts are present in cultures without a divine-command ethic—skipping the demonstration that guilt is experienced in any particular civilization. However, per the conclusion reached in the previous paragraph, the empirical research does not warrant us treating guilt monolithically in cross-cultural contexts. Therefore, to assert with confidence that there are peoples without a divine-command ethic who are nonetheless familiar with guilt, we must take a closer look at a candidate culture to check that any putative local example of guilt actually possesses the deontic character that is essential to it. Only then will

we be sure of having a case of guilt that casts doubt on Anscombe's claim that deontic morality originated in moral monotheism.

3.2.2 Chinese Guilt, One Example of Guilt Without Divine Command Ethics

Far from acknowledging that guilt forms a part of human nature, the partisan of Anscombe's view may respond by asserting that guilt too is a derivative of our pious Medieval past. Such an opponent will not allow us to invoke counterexamples of guilt from contemporary American or European life, even if the persons we choose are convincingly faithless and secular, because guilt may have outlasted theism in the culture just as the deontic is alleged to have done. With this objection in mind, I will present evidence of guilt feelings experienced by people in modern China, a culture without a history of a divine-command ethic.

In contrast with Anscombe's contention that Western moral thinking during the Middle Ages was theological, Sinologists and scholars of world religion variously describe Chinese ethics as "humanistic" or "naturalistic" and grounded in social relations. Sinologists have long noted that anthropomorphic deities are inessential to Chinese religion.[11] Indeed, a transcendent God with the divine attributes assigned in the West does not appear in conventional Chinese cosmology: "Chinese people do not have an omnipotent, omnipresent, and all-knowing God" (Wu 1969, 101).

Affirming the focus on mankind and social relationships in Chinese beliefs, Julia Ching describes the nation's dominant Confucian ethical system as a "humanism that is open to religious values" (Ching 1993, 52).[12] As such, the central virtue in Confucian teaching, *jen*

[11] In other words, for the Chinese, religion is "something not necessarily linked to a belief in God (as Buddhism has shown to be possible)" (Küng 1989, 229).

[12] Sinologist Laurence Thompson affirms that Confucianism provides the dominant moral paradigm, even among those influenced by Buddhism and Daoism: "But whatever personal

[benevolence, humaneness], is "always concerned with human relationship, with relating to others" (Ching 1993, 58). Swiss theologian Hans Küng echoes Ching's judgment; he writes, "[C]entral to the interests of Confucius was the *human person* with his or her natural and basic family (and thus also social) relationships" (Küng 1989, 109). Confucianism is "anthropocentric" (109).

In his *Chinese Religion,* Laurence Thompson makes the contrasts with Western ethical monotheism explicit:

> The universe of the ancient Chinese was naturalistic in the sense that it was characterized by the regularity that Western philosophy has called "law"—but it lacked the Western assumption of an outside "lawgiver."
>
> . . .
>
> The Chinese religion, while giving to Heaven power to punish people's misbehavior, defined this misbehavior as actions inimical to the harmonious workings of the universe.

(Thompson 1996, 1, 7). Given such a view of "Heaven" or the divine, a command theory of ethics is inapt. Erin Cline, a professor of comparative and Chinese religion, states, "[I]t is important to remember that for Kongzi [Confucius], Heaven is not an agent with a distinct personality, and as a result, we should not understand Heaven as *commanding* humans to behave in a certain way" (Cline 2009, 120–21).

The absence of a divine-command ethic in China has proven no defense from guilt pangs: psychologist Olwen Bedford affirms that the feeling is a recognized emotion in contemporary Chinese life. In her article "The Individual Experience of Guilt and Shame in Chinese Culture," Bedford reports the results of ethnographic interviews with bilingual Taiwanese living in Taiwan (Bedford 2004, 30). Through the interviews, she aimed to

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religious views one might hold, all Chinese shared general and specific concepts about the social order and individual conduct, derived from those Literati [Confucian] texts to which we have so often alluded" (Thompson 1996, 11).

identify Mandarin equivalents to "guilt" and "shame," record examples of their application, and fix their definitions (30). She concludes that Mandarin does possess equivalents for "guilt and "shame" and that the feelings at issue are familiar to speakers of the language (44). She adds, however, that some of the situations which arouse the emotions are different from those in English speaking nations and that the Chinese possess more terms to express different types of guilt and shame (49).

Bedford conducted interviews of thirty-four Taiwanese women between the ages of twenty-four and thirty-one (30). None of the women had travelled abroad, although all of them possessed "at least intermediate English skills" (30). Each informant was interviewed for one or two hours in a quiet room at her workplace (31). Bedford explains how the questions were asked:

> The two main questions asked were 'What do you think of when I say the word shame (guilt)?' Participations then freely talked about their experiences, and the interviewer only occasionally prompted them to continue by repeating as a question the last few words the participant had spoken. The only other questions asked were to confirm understanding of the participants' descriptions.

(31). The transcribed interviews were sorted to create lists of the descriptive statements and concrete examples associated with each emotional term mentioned in the interview (31–32). The researchers then generated descriptions for each emotion by analyzing the semantics of the associated word (31–32).

Bedford reports three terms used by the informants that she classifies as guilt words. The first is *nei jiu*:

> *Nei jiu* is the feeling that one has failed in one's personal responsibilities. It implies feeling obligated in some way to other people and not fulfilling that responsibility. One has the sense of owing others, whether those persons think so or not. It overlaps with feeling sorry, but not with feelings of shame. No one else need know, or even be of the opinion that one ought to feel it for *nei jiu* to be experienced.

(32). *Nei jiu* is distinct from the other guilt terms Bedford identifies in several respects. It is "personal guilt" in a double sense. First, it is always felt towards another person, the person to whom one feels obliged. Second, it "concerns only self-expectation and self-demands." (32). The person feeling *nei jiu* believes that there are obligations she must uphold but does not expect others to have the same sense of obligation. Similarly, "[f]eelings of *nei jiu* may occur even if one does not have the capacity to fulfill the obligation, or when the person to whom one feels obligated does not hold one responsible" (33).

Bedford tells us that *nei jiu* is usually connected to one's abilities. She presents a statement from one of the informants as an example:

> Like just now, [my student] asked me to help, but I don't have much time so I feel *nei jiu*. And I know I could do this, but I just don't have time, and I have to say to her, 'Oh, sorry, I don't have time.' This is *nei jiu*—this kind of guilt.

(33). Bedford interprets, "The informant experiences *nei jiu* because as a teacher she feels that she ought to have time to help her students. She feels obligated to assist them, but she is not always able to satisfy her feelings of obligation to her students" (33).

The second form of guilt that Bedford identifies is *zui e gan*, "the feeling of moral transgression, much like the feeling of having sinned in the English language" (33). *Zui e gan* is a feeling of having "*done* something terribly wrong, and not of *being* evil or inferior" (33). An informant reported, "If [someone] feels *zui e gan* he will think about it every night. He can't sleep. You feel really guilty in your mind, and it won't get out. That's *zui e gan*" (33). According to Bedford, the "capacity to experience *zui e gan* develops with a sense of morality"; "small children do not generally experience it" (34).

Zui e gan is felt over violations of one's "personal morality" (34). A subject told researchers, "You have your own personal morality and within this morality you do

something bad, then you will feel guilt. You know it's not right, but you have done it and so you feel *zui e gan* . . . it's not like a rule or law" (34).[13]

In being concerned with personal morality, *zui e gan* is like *nei jiu*. It also resembles *nei jiu* in that it is solely concerned with "one's own behavior, or events for which one takes personal responsibility" (34). While some instances of *zui e gan* concern other people, it differs from *nei jiu* in that it is not felt *towards* others: "The central issue is not the harm done to the other person—it is the fact of the transgression of one's personal morality: what the self has done" (34). The focus on wrongful action is evident in the following explanation from a study subject:

> I kill somebody. Even though he is my enemy, I will feel *zui e gan*. Maybe he is good father. Maybe has a family to support. I feel *zui e gan* because I am good person. I can think other things. I did not have to do that.

(34). The emphasis on transgression in *zui e gan* is also indicated by the fact that the emotion can be felt because of violations of rules, so long as "one believes it is morally wrong to break the rule" (34). An informant stated:

> You want to steal something very beautiful. You really want to own it, but at that time I will get this kind of feeling, I can't steal it, and then morality comes up and if you steal [it you] will feel guilty in your mind. Oh, my heart is dirty.

(34).

The final form of guilt Bedford describes is *fan zui gan*. Whereas *zui e gan* concerned the subject's personal morality, *fan zui gan* is triggered by violations of social rules that the agent accepts as binding not only for oneself but for society as a whole (35). As an informant

[13] Bedford later explains that, while not rules or laws, the obligations at issue in cases of *zui e gan* are still such that one usually "expects other people to adhere to similar standards" (45). With this in mind, where the informant says that *zui e gan* is not like a matter of laws or rules, I think it should be understood as similar to the attitude that a feminist might have to the use of a sexist word: it is wrong to use, but doing so is not the kind of thing that is (or perhaps even should be) criminal.

explained, "We say *fan zui gan*. That means I am feeling like I violated a law. This sometimes meaning guilty, or just *feels guilty*" (35).

In Bedford's terms, *fan zui gan* concerns "external" obligations rather than the "internal" duties that are the province of *nei jiu* and *zui e gan*. "External obligations are those that an individual recognizes as ones to which one ought to adhere, not because one particularly feels bound as an individual, but because these rules apply to everyone, and society is better if everyone adheres to the rules" (35).

As external obligations (criminal laws, for example) usually do not require one to possess a certain ability, it is typically not possible to experience *fan zui gan* over lack of a capacity. This forms a strong contrast with *nei jiu,* which may be felt over one's inability to fulfill an obligation to help another (35). "Not felt towards people, it is merely the internal recognition of breaking a requirement" (35).

That *fan zui gan* is not felt *towards* people points to a further point of difference between it and both *nei jiu* and *zui e gan*. Unlike the latter, which are "personal" in Bedford's lexicon, *fan zui gan* is "impersonal" in several senses (35). Not only is it not felt towards other people, but it need not concern harm to other people—only the violation of a rule. Furthermore, it is concerned with externally enforced and promulgated rules.

Still, there are important respects in which the individual experiencing *fan zui gan* internalizes the social rules at issue. Contrary to its characterization as impersonal, *fan zui gan* can "only be experienced toward oneself, and one may experience it without anyone else knowing about one's transgressions" (35). "Feelings of *fan zui gan* range from long-lasting and difficult to escape to very mild, lasting only as long as the actual transgression" (35). Bedford notes that "[o]ne feels it strongest when violating a rule that also has moral connotations" (35). Observing that "[m]any legal requirements are grounded in the general

social morality," she tells us that in such cases, *fan zui gan* and *zui e gan* are apt to coincide. (35). Indeed, "[s]ince many situations arouse both emotions simultaneously to about the same degree," a few of the informants "claimed that these two guilt feelings were the same thing" (35). Nevertheless, Bedford insists that the emotions are distinct and that different people experience them to different degrees in situations implicating both, depending on whether the individual's thoughts stress breaking the positive law of the community or her moral transgression. (35).

In her article's conclusions, Bedford describes *nei jiu*, *zui e gan*, and *fan zui gan* as different types of guilt feeling (47). As she puts it, "In Mandarin it is possible to distinguish among types of subjective guilt in a way that is not possible in English" (47). Referencing Western authors who have held that guilt "implies transgression," whereas shame "implies issues of identity," Bedford finds this mode of distinguishing guilt from shame holds true across in the Chinese case as well (47).

In accord with Taylor's contention that the person feeling guilt believes himself to have violated a duty, in all three forms of Chinese guilt identified by Bedford, the idea that the sufferer has violated an obligation is present. In *zui e gan* and *fan zui gan*, the transgression is, respectively, of morality or a social rule that one accepts as authoritative. *Nei jiu* is less clearly about transgression of a duty: it is felt only towards another person and only about "not having lived up to a personally defined obligation or responsibility" towards that person (47). Still, the idea of obligation is present, albeit phrased in terms of responsibility to another rather than obedience to a law. That responsibility is a deontic notion is evidenced by the fact that we speak of a person's responsibilities in terms of what he owes another, as if responsibilities neglected were debts unpaid.

For guilt to encompass both *nei jiu* and *fan zui gan* should not surprise us if we recall guilt's mutability. To feel guilty about an action, the action need only "present[] itself as wrong" (Taylor 1985, 86). What the agent will feel guilt about is then a matter of which actions she believes to be wrong. While making due allowance for the persistence of an emotion and its constituent belief in the face of contrary evidence and argument, we should also allow that an agent's moral beliefs and feelings may be rationally tractable. With respect to *fan zui gan*, Bedford emphasizes that a person must not simply recognize that the external command at issue applies to her but accept its authority as well. Moreover, accepting its authority will often be a matter of recognizing its justification—its utility for instance. In a case of *fan zui gan*, the agent has violated an external obligation which she "recognizes as one[] to which one *ought* to adhere . . . because these rules apply to everyone, and society is better if everyone adheres to the rules" (Bedford 2004, 35) (emphasis added).

Turning to *nei jiu*, varying cultural ideas about the scope of obligation explain why this form of guilt seems askew from a Western standpoint. In particular, *nei jiu* may seem at odds with Western guilt and Taylor's theory in particular, because it can occur over omissions that stem from one's lack of an ability. As the quoted analysis shows however, the existence of *nei jiu* guilt in China can be chalked up to differences in opinion about our positive obligations to those others (family and society) upon whom we are broadly dependent for our lives and our prosperity:

> Guilt in the West does not usually occur with respect to capacities that one does not hold because Westerners do not usually feel morally obligated to possess particular capabilities. . . . In Chinese culture, however, the sense of duty and obligation to family and group is much more strongly experienced, so guilt may be aroused over lack of capability.

(47).

There are two more elements familiar from Taylor's theory that are matched in Bedford's study. The first is that guilt is about one's actions or omissions, not who one is. For Taylor this is a key difference between shame and guilt, and it is one that Bedford affirms her study bears out: "[R]esearch on Americans suggests shame implies issues of identity, and guilt implies transgression of some sort . . . . The same is true for Chinese people" (47). The second is that the idea of a moral stain, which Taylor emphasizes as a component of guilt feeling, surfaces in the interviews regarding *zui e gan*. One woman imagines the aftermath of stealing a coveted object—"Oh my heart is dirty"—while another describes how *zui e gan* lingers—"[H]e will think about it every night. He can't sleep. You feel really guilty in your mind, and it won't get out."

3.2.3 An Objection, Nonmoral Guilt

It may be objected that in my discussions of guilt feeling I have oversimplified in treating it as a monolithic phenomenon. While Taylor's analysis of guilt as a deontic emotion may be correct in some cases, it does not exhaust the range of guilt experiences. As Herbert Morris has described, there are cases of appropriate and genuine guilt feeling that do not involve action, much less culpable wrongdoing, on the part of the guilty person. Morris refers to these as cases of "nonmoral guilt" (Morris 1987, 220). They include guilt experiences over mere thoughts or wishes, guilt over unjust enrichment, "survival" guilt, metaphysical guilt, and vicarious guilt felt for the actions of others (221).

Guilt over unjust enrichment embraces cases of windfall and lucky escape: one brother is born healthy, his sibling disabled, and the former feels guilty; one daughter is favored in her mother's will, her sister is exempted from it, and the former feels guilty upon receiving an unexpectedly large inheritance (232–33). Survival guilt includes the familiar case

of a soldier who returns home from a war that took the lives of her comrades and feels guilty thinking about how she survived and they did not.

Metaphysical guilt was identified by Karl Jaspers and acknowledged by Morris. John Donne's line, "Ask not for whom the bell tolls, it tolls for thee," could serve as its motto. Metaphysical guilt is a breach of the human bond Donne acknowledged; it is "the lack of absolute solidarity with the human being as such—an indelible claim beyond morally meaningful duty" (Jaspers, 71) (quoted at Morris 1987, 235). It has similarities with both survivor and unjust enrichment guilt: "This solidarity is violated by my presence at a wrong or a crime. It is not enough that I cautiously risk my life to prevent it; if it happens, and if I was there, and if I survive where the other is killed, I know from a voice within myself: I am guilty of still being alive" (Jaspers 1947, 71) (quoted at Morris 1987, 235).

Granting the existence of nonmoral guilt, are the arguments of this chapter upset? I think not, for as Morris himself acknowledges, his observations regarding nonmoral guilt should not raise doubts as to the existence and validity of moral guilt. In fact, he tells us that "we should continue to view moral guilt as importantly different from any nonmoral kind we may come upon" (Morris 1987, 222), and as we saw earlier, he affirms that cases of moral guilt do involve the idea of a transgression (225). The existence of nonmoral guilt should, however, teach us caution in interpreting examples of guilt. For present purposes, we should recognize that not every case of guilt identified from history or literature can be assumed a case of moral guilt having the deontic features Taylor has analyzed. Yet even acknowledging this last lesson, Bedford's study of contemporary Chinese guilt remains a sound example of that emotion in a culture without a divine command ethic. As we saw, violation of an obligation was a feature of each type of guilt Bedford recognized.

4. Conclusion

My goal in this chapter has been to demonstrate that guilt is a deontic emotion so as to vindicate deontology in the face of Anscombe's attacks on the worth of that endeavor. I began by summarizing Anscombe's position in "Modern Moral Philosophy." I then shifted to evidence and arguments for guilt's deontic character, primarily the work of Gabriele Taylor but also the views of John Rawls and Herbert Morris; in short, all three believe that the idea that one has violated an obligation is a constituent thought in guilt. We then saw the strengths of Taylor's theory of guilt—the way it accounts for guilt's mutability and persistence in the face of contrary rational evidence, as well as its cogent separation of guilt from shame, remorse, and humiliation.

Having established guilt's deontic character, I then considered its impact on Anscombe's claims. First, we witnessed how deontology can help the person struggling with conscience, the person who wonders whether she should or should not feel guilty. This indicated that Anscombe's condition on her thesis—that deontology should be abandoned only if psychologically feasible—applied. Next, we considered the impact of guilt on Anscombe's genealogical account of deontic concepts. Both guilt's appearance as a basic human emotion and the evidence of guilt feelings in China belied her contention that the deontic concepts constitutive of guilt were a relic of the devout Middle Ages or that guilt itself was merely another such antique. Lastly, we briefly looked at an objection premised on Morris' identification of genuine nonmoral types of guilt. As we recognized, however, the existence of nonmoral guilt did not undermine the significance of cases of moral guilt to the arguments of this chapter.

In the second chapter, I will turn to face Anscombe's claim that deontology is conceptually incoherent in the absence of a divine lawgiver. Whereas the arguments of this

chapter have argued the need for deontology and undermined Anscombe's skeptical genealogy of deontic morals, they have not squarely addressed the charge of incoherence. I will show in the next chapter that deontic concepts are intelligible without a divine lawgiver. This work will rely primarily upon the theories of the British intuitionists, especially A.C. Ewing.

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Chapter Two, Parsing Deontic Concepts

Anscombe charges that the concept of moral obligation—signified by the moral sense of words like "ought," "right," and "wrong,"—is no longer a "really intelligible one," and that the word "ought" "no longer signifies a real concept at all" (Anscombe 1958, 6, 8). In a helpful illustration, she says that the idea of a law is dependent on the idea of a lawgiver as the idea of a verdict is dependent on the idea of a judge. Her argument is that the deontic concepts are unintelligible without God in the picture—they describe something which she contends cannot be coherently thought, a law without a lawgiver.

I will demonstrate in this chapter that the deontic concepts are intelligible without reference to a divine lawgiver. What "ought" expresses is that an action is the action to-be-done. This is a coherent concept. It is a concept we understand even though it is difficult to say more about it without merely paraphrasing by using different words like "should," "must," and "right."

At this point, I am just insisting that we do understand the deontic concepts independently of God and that they are coherent and intelligible. Anscombe, of course, denies this assertion. In order to demonstrate that the deontic concepts are intelligible, I will turn to the work of the British intuitionists. As Tom Hurka has explained, these thinkers explained deontic concepts to their readers "structurally" (Hurka 2003, 627–28). Rather than attempting to reductively define the concept, a structural explanation explains a normative concept using other normative concepts. As we will see, structural explanations have the advantage of being neither reduction nor paraphrase.

To be clear, structural explanations of the deontic concepts are relevant to refuting Anscombe because they demonstrate that we already do coherently grasp the deontic concepts without God. They do this by making perspicuous what is implicit when we use the

concepts. This method of explanation is comparable to one used in teaching arithmetic. A teacher seeking to explain the concept of multiplication might do so by drawing a rectangle. To illustrate that three times four is equal to twelve, the instructor, starting with a piece of graph paper, could draw a line three spaces in length. To show the meaning of three multiplied by one, she could then draw a line one space in length and shade the encompassed spaces. Next, to demonstrate the meaning of three multiplied by four, she could extend the top line three spaces and shade the boxes encompassed to form a rectangle. While this is not a reduction of the concept of multiplication, it is an explanation of the concept and not a mere paraphrase. Furthermore, were the child to perform this exercise rather than the teacher, we would take that as evidence that the child understood the concept of multiplication and was not simply parroting her four-times table.[14]

My examples of structural explanations of a deontic concept will come from the work of the British intuitionists. A.C. Ewing, for instance, spoke of an action's being the fitting action to perform in the circumstances. Instead of accounting for the deontic in terms of the non-deontic (e.g., the form of an autonomous will or the commands of God), the explanation illuminates the structure of an ought—a relation of fittingness holding between action and circumstance—without asserting that ought is reducible to these facts. Notably,

[14] Compare Derek Parfit's claims about the concept of a reason: "Like some other fundamental concepts, such as those involved in our thoughts about time, consciousness, and possibility, the concept of a reason is indefinable in the sense that it cannot be helpfully explained merely by using words" (Parfit 2011, 31). Consequently, we must "explain such concepts in a different way, by getting people to think thoughts that use these concepts" (31). Parfit says the same of an indefinable sense of "wrong" used in moral claims. He dubs this sense "musn't-be-done" (165). Like the notion of a reason, musn't-be-done cannot be "helpfully explain[ed] merely by using words" but "must be explained . . . by getting people to think certain thoughts" (165). The teacher drawing rectangles in my example is using this type of explanation: she explains multiplication by getting the student to think certain thoughts about shape that use the concept of multiplication, of three extended four times over.

the intuitionists saw no need for a fourth or fifth point—law or lawgiver—in the configuration of an ought or duty.

While the deontic concepts can be thus elucidated after the fashion of the British intuitionists, at least one of their number believed that the concept of an action being the fitting action to perform in the situation was insufficient to capture the special character of moral obligation. Ewing thought that the ought of moral obligation should be distinguished from the ought of fittingness and that the former was fittingness-plus. On his view, all obligatory actions are fitting, but something else distinguishes actions that are merely fitting from those that are moral duties. In *Definition of Good* and *Second Thoughts in Moral Philosophy*, he groped for an account of the *plus* that distinguished moral duty, canvassing several candidates without reaching a conclusion. One of those considered was theological: the concept of moral obligation might "necessarily involve theology" (Ewing 1947, 134). If so, then Anscombe's claim that the deontic concepts are unintelligible without God would be vindicated.

Accepting the distinction between the ought of moral obligation and the ought of fittingness that Ewing draws, we can still articulate an intelligible concept of moral obligation without bringing in God. Conceptually, moral obligations are distinguished from non-moral oughts by their peremptory character. Moral duties can do more than outweigh their non-moral counterparts; they preclude or forestall them—rule them out of consideration in advance—as a matter of precedence. For example, it may be true that I ought to read the book with artful prose, but if I have promised to read a friend's poor genre novel instead, the latter moral obligation precludes the nonmoral ought that dictates I read the superior piece of literature.

We should acknowledge that there remains obscurity in the idea of a moral obligation. Yet when properly understood, this obscurity is in the *grounding* of moral obligation, not in the concept. We understand the concept—we know what it is for an action to be demanded by a peremptory ought that cuts off other considerations. Comprehending the concept of something, however, is a different matter from understanding why that something is the way it is. In the moral case, this means that though we understand the peremptory character of moral obligation, we do not know why moral obligations possess such preclusive importance or why we generally come under them.[15]

An answer to these questions would not consist in a structural explanation but what Hurka would call a "foundational" explanation (Hurka 2003, 627–28). Unlike structural explanations, foundational explanations explain the normative using another domain of concepts—those of metaphysics, natural science, or theology. In so doing, foundational explanations seek to ground the normative in the nonnormative. The claim that you ought not to hit your brother because God forbids it is an instance of such an explanation. Unless it is meant as a definition, this statement concerns why hitting your brother is something you ought not to do and does not concern the concept of ought.

Assuming that we are avoiding the naturalistic fallacy, we must already understand the concept of moral obligation if the idea of God is to help illuminate moral obligation. The role for the idea of God in deontic theory lies not in making the concept of moral obligation coherent but in grounding moral obligation. Given a winning argument for the theory, the divine command view would light the foundations and chase the obscurity away from the grounds of moral obligation. Accordingly, if it is ultimately able to help us understand moral obligation, theology will only do so by explaining *why* moral obligations have their

[15] I propose an answer to this question in Chapters Four and Five.

peremptory force and *why* we are subject to them, not by elucidating the concept of a moral obligation, which we can already grasp without thinking of God as the duty's source.

This concludes the introduction. In the section that follows, I will summarize Anscombe's argument that deontic concepts are defective without divine underpinning. By way of rebuttal, I will then present an analysis of ought that shows it can be intelligibly thought without incorporating God. The analysis in this section will be an instance of Hurka's structural explanation and will be modeled on A.C. Ewing's fittingness account of the deontic. In the next section, I will explain how moral oughts may be conceptually distinguished from nonmoral ones. Finally, I will argue that, while there is obscurity in the idea of a moral obligation, this obscurity is safely located in the foundations of moral obligation and not in the concept thereof.

1. Clarifying Anscombe's Critique

In her attack on philosophers' talk about moral obligation, Anscombe makes clear that it is only the moral sense of a word like "ought" that is flawed. "Ought" and "should" are fine words when used with other meanings. Anscombe would not object to speaking about what one "ought" to do or "must" do when it is a lawyer discussing the statutes in England. Nor would she object to a friend telling her pal that she "ought to study harder." As used by the friend, Anscombe thinks that "terms [like] 'should' or 'ought' or 'needs' relate to good and bad: e.g. machinery needs oil, or should or ought to be oiled in that running without oil is bad for it, or it runs badly without oil" (Anscombe 1958, 5).

According to Anscombe, these "ordinary (and quite indispensable) terms" acquired their special moral sense "by being equated in the relevant contexts with 'is obliged,' or 'is bound,' or 'is required to,' in the sense in which one can be obliged or bound by law, or

something can be required by law" (5). This of course, is supposed to have been a historical change, wrought by the rise of Christianity and its "*law* conception of ethics" (5).

Anscombe's primary protest against the attempted secularization of deontic concepts by moral philosophers is that there can be no law without a lawgiver. This is meant to be a conceptual rather than substantive objection. Confused perhaps by words like "ought" and "must" that are not apparently about law, moderns have thought that they could retain the idea of moral duty without acknowledging that there must be a lawgiver, the prescriptions and proscriptions of whose laws are invoked by the use of "ought."

To use "ought" in a moral sense while holding God in abeyance is to say something unintelligible. Anscombe says that the moral sense of "ought" in the hands of a modern contains "no intelligible thought" and is no longer "a real concept at all" (8). But what does Anscombe mean in distinguishing an intelligible thought from an unintelligible one and a real concept from a false one? Anscombe's comparison of a law without a lawgiver to a verdict without a judge is instructive. The idea of a lawgiver is integral to the idea of a law as the idea of a line is integral to the idea of an angle. The concept is defective without it. A defective concept is one that can be thought but not coherently thought. The person attempting to think a law without a lawgiver can juggle one or the other concept, law and lawgiver, trying to keep them apart in his mind but ultimately will not be able to hold onto the concept of law so long as he refuses to keep that of a lawgiver with it. A familiar example of a defective concept comes from time travel fiction. In popular literature, a character may travel backwards in time to prevent her own birth, but the concept of a person doing so is incoherent. This trope's appearance in literature illustrates how some things can be thought in a defective way so as to deserve to be called "no intelligible thought" or not "a real concept at all" in Anscombe's idiom.

The association of the word "ought" in its moral sense with the laws of God gave to the word a psychological potency or "mesmeric" force. When the idea of God the lawgiver is alienated from the moral sense, the word "will remain to be spoken with a special emphasis and a special feeling in these contexts" (6). Anscombe compares this to what might happen to the word "criminal" in a future where penal laws and courts have been abolished.

Anscombe seems to be arguing not only that the actual deontic concepts in circulation with the moral philosophers of her day are incoherent but that there is no intelligible, secular deontic concept to be salvaged anywhere. Thus, she curtly dismisses the views of several ethicists that offer explanations of the deontic. Of Bishop Butler, she says that he "exalts conscience, but appears ignorant that a man's conscience may tell him to do the vilest things" (2). She credits Kant with "introduc[ing] the concept of 'legislating for oneself,'" which she says is "absurd" (2). Her reason for calling it absurd, however, is telling. She asserts that the "concept of legislation requires superior power in the legislator" (2). This assertion adds to her principal claim that there cannot be a law without a lawgiver.

Ultimately, Butler and Kant are supposed to be unable to make sense of the moral ought without bringing in God because one's own reason or conscience cannot count as the "superior power" imposing the moral law. Anscombe's rejection for this reason of the idea of first personal lawgiving points to an important element in her critique of deontic concepts—the idea of being bound. Rather than say that there can be no law without a lawgiver, Anscombe could have made her dictum "no duty without being bound." The fault in speaking of a law without a lawgiver reduces to the fault of speaking of an obligation that does not bind the person obligated.

Anscombe assumes that making God the lawgiver was sufficient to establish the bindingness of the moral law for medieval Europeans. Her assumption shows in her

response to the claim that making God the lawgiver fails to settle whether the law ought to be obeyed, i.e., whether the law is binding. She argues that the person posing the objection is confused in the following way.

Consider a person who lives in a world in which people have largely forgotten about laws and judges but still speak of verdicts. This person is challenged with the objection that one needs a judge and laws to have a verdict. He responds, "Not at all, for if there were a law and a judge who gave a verdict, the question for us would be whether accepting that verdict is something that there is a *Verdict* on" (8). The person who objects to the adequacy of the divine law conception of ethics by saying, "there is still the question of whether you ought to obey the divine law," is supposed to be arguing in the same mistaken way. For, given what Anscombe has said about the legal meaning of "ought" in its moral sense, this person is really asking whether there is a law about obeying the law.

The reader will notice that Anscombe's argument fails to explain the concept of being bound. God's law is supposed to be binding, which is why it is supposed to be a poor question to ask whether one ought to follow it, but there is no explanation of what being bound is.

If Anscombe means to identify being bound with the command of our creator, she does not do so explicitly. Furthermore, identifying being bound with the command of God requires committing the naturalistic fallacy,[16] and while Anscombe tells us in passing that she finds accounts of the fallacy unimpressive and incoherent, she does not marshal arguments against it as one would expect if she meant to propound and rely on a super-naturalistic theory of the moral ought that identified it with the will of God.

[16] I follow G.E. Moore here in using the phrase "naturalistic fallacy" to refer not only to definitions in terms of natural objects, but also those that define good in terms of "supersensible" or "metaphysical" beings like God (Moore 1903, 39, 112).

The significance of Anscombe's failure to explain the bindingness of moral obligation in her preferred terms (God's law) is that we are given no assurance that including the idea of God gives one a coherent concept of moral obligation. Whether or not one agrees with Anscombe about the unintelligibility of moral obligation, she has not shown us that the concept of God is an intelligibility-maker here.

I will return to the idea of being bound further on in the chapter when I discuss the distinctiveness of the moral ought. Suffice it to say here that bindingness is the aspect of moral obligation that Anscombe thinks only divine law can render intelligible. Leaving the question of a specifically moral ought aside, I will show, in the following section, that the idea of ought is coherent and can be clarified in the manner of the British intuitionists.

2. A Structural Account of Deontic Concepts

Contrary to Anscombe's claim that the deontic concepts are incoherent without reference to God, the deontic concepts can be explained in terms of a two-place relation holding between an action and the circumstances. As Ewing states, "If I ought to do something there must be a certain relation between the action and its environment such that the action is fitting, appropriate, suitable, and its omission unfitting, inappropriate, and unsuitable" (Ewing 1947, 132). To say that you ought to do something implies that there is a feature of the situation that calls for that action.[17] The idea of a lawgiver need not be introduced to render the concept coherent.

[17] The converse is true as well for Ewing so long as we are speaking of the ought of fittingness and not the stronger ought of moral obligation. That an action is fitting implies that I ought to do it, where "ought" is not referring to moral obligation. Although the quote from Ewing does not state a biconditional, he is best interpreted as affirming one. Later in the book, when moral obligation is not at issue, he explicitly allows that "ought" signifies fittingness (Ewing 1947, 151). The foregoing notwithstanding, Ewing affirmed that ought was indefinable (48–49), and for the reasons discussed below, he should not be interpreted as offering a definition of either the ought of fittingness or that of moral obligation.

Ewing's description has explanatory power because it makes explicit the structure that is implicit in the deontic concepts. Indeed, the matter-of-fact simplicity of this structure was a key point for the intuitionists in their opposition to grander reductive views. They emphasized that when the ordinary person thinks of his obligations, he is typically not thinking about net utility (or the law of God, I might add) but about some definite circumstance that makes the action right. For example, Ross writes:

> When a plain man fulfils a promise because he thinks he ought to do so, it seems clear that he does so with no thought of its total consequences, still less with any opinion that these are likely to be the best possible. He thinks in fact much more of the past than of the future. What makes him think it right to act in a certain way is the fact that he has promised to do so—that and, usually, nothing more.

(Ross 1930, 17). The idea of a law is unneeded for describing Ross's prima facie duties because "[e]ach rests on a definite circumstance which cannot seriously be held to be without moral significance" (20).

A partisan of Anscombe's position might object that the descriptions offered by Ewing and Ross fail to explain the deontic concepts but only paraphrase the statements about duty and ought the meaning of which they are supposed to analyze. To call an action "fitting," they would say, is to substitute one deontic word for another. While it is true that neither Ewing nor Ross effects a proper definition of his target, it is equally true that they each succeed in producing more than a rewording. By a "proper definition," I mean a definition in the third sense given by Moore in *Principia Ethica*. In this sense, to define something is to divide it into its component parts and identify the relations between those parts. Moore illustrates a definition of this kind for horses: "We may mean that a certain object, which we all of us know, is composed in a certain manner: that it has four legs, a head, a heart, a liver, etc., etc., all of them arranged in definite relations to one another" (Moore 1903, 8).

Neither Ewing nor Ross produces a proper definition of the concept of ought. That this is the case, however, should not surprise or displease us. Ross, in the first chapter of *The Right and the Good*, firmly asserts that rightness is indefinable in Moore's third sense. According to him, the word "right" is sometimes used synonymously with "ought to be done" or "morally obligatory" (Ross 1930, 3). In this deontic sense, the idea of a right action is "irreducible" to "simpler objective elements" (12). For his part, Ewing also asserts that the concept of ought is indefinable (Ewing 1947, 48–49, 78–79).

At first glance, Ewing's claim that ought is indefinable appears at odds with his claim about fittingness. While he unpacks the concept of ought into a relation of fittingness holding between an action and the environment, this is not a proper definition of the concept, nor does he intend it to be. Ewing stands by his claim that ought is indefinable while at the same insisting that "[t]his does not imply that its nature cannot be known—it may be very distinctively known—only that it cannot be reduced to anything else" (78). He adds, "It may perhaps turn out possible to say a great deal more about it; only what is said will never exhaust its nature without residuum" (78).

In giving his description of ought in terms of fittingness, Ewing demonstrates the truth of his restriction, that whatever more is said, it will not exhaust the nature of ought "without residuum." This is because the idea of fittingness is itself a deontic concept. In effect, the idea of the deontic reappears in the description but is expressed by words with a different connotation, viz., "fitting, appropriate, suitable" (132). Both the word "fitting" and the word "ought" point to the idea of an action that is to be done. If the mere pair—action and circumstance—are left without the notion of fittingness, they fall short of the concept of ought. If we add fittingness, however, the deontic reappears in the definiens. This leaves us

without a proper definition, for we have included a reference to the whole in what Moore tells us is supposed to be a reduction of the whole to its parts and their relations.

That ought is not susceptible of a proper definition does not mean that Ewing's fittingness description is no more than a paraphrase. On the contrary, it is an instance of what Hurka called a "structural" or "inherent" "explanation" (Hurka 2011, 20). He writes of this form of explanation:

> Inherent explanations explain common-sense moral judgements by connecting them to principles that are more abstract but use similar concepts, so they are continuous with the common-sense judgements and concern the same general subject. Because they are more abstract, the principles have independent appeal and can therefore both explain the judgements and increase our warrant for believing them. But they operate within the same circle of concepts rather than concerning some other, allegedly more fundamental topic.

(20). Before Hurka characterized the method in these terms, Ewing gave his own account of what he and the other intuitionists were doing when they gave descriptions of concepts they insisted were indefinable. He describes two ways to "define A" without defining it in the Moorean sense: (1) "giv[ing] properties which accompany A and constitute a distinguishing mark of the presence of A" and (2) "fix[ing] the place of A in the system of concepts" (Ewing 1947, 79).

Ewing and his fellow intuitionists practiced both methods to illuminate moral concepts. With regard to the second technique, Hurka has emphasized that it was characteristic of the intuitionists to deploy a scanty set of normative concepts to explain a profusion of substantive normative claims (Hurka 2014, 43). They often did this by arranging them recursively—e.g., a virtue (itself a good trait of a person) consists in the love of what is good or the hatred of what is bad. Alternatively, they simply defined more complex value notions in terms of a value concept and an intentional attitude—e.g., beauty is that of which the admiring contemplation is good (34, 148). Other times, they linked value

and deontic concepts together while leaving both undefined. For example, in *The Right and the Good*, Ross affirmed both that there was a prima facie duty to promote the good of others and that the desire to do one's duty was a good (a virtue) (Ross 1930, 26, 134). Faced with someone who claimed not to understand either duty or goodness, Ross could have related it to the other concept, not to define it, but to show its content in its relationship to other ideas. This is similar to the way in which a teacher might explain subtraction to a student as "the opposite" of addition.

The first technique—"giv[ing] properties which accompany A and constitute a distinguishing mark of the presence of A"—is illustrated by Ewing's characterization of ought in terms of fittingness. By his lights, a distinguishing mark of the presence of an ought is the presence of a certain relationship between the environment and an action. Whenever it is the case that one ought to perform some action, there will be these things, standing in this relation. It is a clunky manner of speech to be sure, but it shares this fault with other attempts at explaining the very simple or the indefinable. For instance, if someone asks, "What is a word?" you may answer, "A meaningful series of sounds." This is not a proper definition of the idea of a word, for it leaves the concept of meaning implicit in the idea unanalyzed, but it has explanatory value because it identifies what usually goes understood but unspoken when we deploy the concept.

As Hurka might describe it, Ewing's account of ought is "more abstract" but uses "similar concepts." It is more abstract to speak of a relation of fittingness holding between an action and the environment than it is to say that an agent ought to do such and such. The quality of fittingness is abstracted from the several relata, and it is this abstract relation that helps us understand the deontic. But how does this increased abstraction serve to explain? The answer is that once it is abstracted, the idea that an action is "fitting, appropriate,

suitable" can be more clearly seen. Once Ewing's hearer has the notion of fittingness in focus, it may become plain to her what is going on when the concept of ought is applied. The hearer may say, "I get it now. When I ought to do something, it is the case that there is some action that fits this situation, just like there is some jigsaw piece that should be played next to fit the gap in a puzzle." Were she pressed, this person could not properly define fittingness anymore than she could properly define ought, but her words show she understands and knows how to deploy both of them nonetheless.

I do not wish to mislead the reader of the previous paragraph that "ought" and "fittingness" signify distinct moral concepts. For Ewing, there is only one indefinable moral concept at issue. Expressed in neutral language, both "fittingness" and "ought" mean that an action is the action to-be-done.[18] As I stated, it is for this reason that Ewing's fittingness characterization is not a proper definition of ought. Yet as I also affirmed, the use of "fittingness" instead of ought has explanatory power: (1) it teaches us that certain properties (Ewing's two point relation) always accompany and are a distinguishing mark of oughts and (2) it helps us to isolate the notion of fittingness from its relata.

I now wish to make a third point about the explanatory power of Ewing's use of "fittingness." Ewing uses three words, "fitting, appropriate, suitable." Why does he not choose one word to state his meaning clearly? Writers sometimes create these chains for euphony, but I think that in Ewing's case, the synonym mongering is functional. For, as Ewing explains elsewhere in *Definition of Good*, synonym substitution can help us understand what a writer means. In the passage in question, he is defending Moore's suggestion "that we

[18] "To-be-done," of course, is merely another synonym for "ought" and "fitting" in the sense at issue.

might take as a synonym for 'good' as applied to an experience the phrase 'worth having for its own sake'" (Ewing 1947, 146). Ewing comments:

> To say this is not necessarily inconsistent with the view that good is indefinable, for there might be various phrases which could be properly used as verbal synonyms in order to help people to see more clearly what is meant by a term without being themselves eligible as definitions of the term. It might be the case that "worth" in "worth having for its own sake" could itself only be defined in terms of "good,' so that the phrase would be quite useless as a definition of the latter, and yet it might be appropriately used to help some people to become clear as to what they meant by "good" . . .

(146–47). I believe that Ewing could have said the same thing about his use of fittingness to characterize ought. "Fittingness" in Ewing's account could itself only be defined in terms of "ought,"[19] such that the description as a whole could not serve as a definition of ought. At the same time, "fittingness" has different connotations than ought, and it is these connotations that we saw can help a person get clear what she means by "ought." A connotation is something that a word calls to mind in addition to its meaning. For example, the word "gold" means a certain metal but connotes wealth. Significantly, "fittingness" has spatial connotations that "ought" does not. Hence, we earlier imagined a person using the analogy of a fitting jigsaw puzzle piece to articulate her understanding of the action she ought to do.

3. Moral Obligation a Special Domain

In the last section, we examined Ewing's fittingness account of ought in order to demonstrate that the deontic concepts are intelligible without the idea of God as lawgiver. In this section, we will consider whether the same is true of moral obligation if we distinguish an ought of moral obligation from an ought of fittingness. As we will see, Ewing believed

[19] Or some other synonym, "should," "right," "to be done," etc.

that the two oughts are distinct and that the ought of moral obligation cannot be reduced without remainder to that of fittingness.[20]

In *The Definition of Good*, Ewing avowed "that 'ought' really covers two different concepts, the concept of fittingness, and the concept of moral obligation" (Ewing 1947, 132). That an action stands in a relation of fittingness to my environment is "a different concept from the concept of a moral obligation which we must fulfill or be guilty of sin" (132). While he thus insists that they are discrete concepts, Ewing is equally clear that "the latter concept [moral obligation] must always be based on the former [fittingness]," for "[s]in cannot occur unless our action is inappropriate in some way to the situation or at least we believe it to be so" (132). We know nonetheless that moral obligation is separate from mere fittingness: in cases of moral obligation, "We feel that we are under binding laws which we cannot break without being ourselves evil in a more serious and quite different way from that in which pain is evil" (133).

Ewing breaks off at this point to consider the objection "that the concept of moral obligation in so far as it goes beyond fittingness is theological" (133). In response, he neither affirms nor denies that the concept of moral obligation has a theological component. Instead, he insists that if it were so, then the certainty we have that we stand "under binding obligations" would furnish us with the premise for a valid proof of God's existence (134).

Not willing to endorse the theological view of moral obligation, Ewing considers alternatives. He believed that good was definable in terms of ought: "We may therefore define 'good' as 'fitting object of a pro attitude' . . ." (152). This left him with two remaining indefinable moral concepts (fittingness and moral obligation) and the philosopher's urge to

[20] Thus far, I have used the phrase "deontic concepts" to refer both to the ought of fittingness and that of moral obligation. If one wishes to confine the adjective "deontic" to the latter, I have no objection.

see if one could be reduced to the other (168). With this goal in mind, Ewing proposes that moral obligations are actions: (1) that are fitting for one to perform and (2) that if one omitted to perform them, one would be a fitting object of "the emotion of moral disapproval" (168). The emotion of moral disapproval he equates with blame (perhaps what we would today call a "reactive attitude") and believes that these can be specified in nonnormative, psychological terms (168–69).[21]

As was true of the theological account however, Ewing is ultimately unwilling to endorse the blameworthiness view of moral obligation he has proposed. "It may be doubted," he writes, "whether the analysis given brings out the full specific nature of the ethical ought" (170). If the blameworthiness analysis is inadequate to the ought of moral obligation, what are the other candidates for the *plus* in the fittingness-plus of moral obligation? One option we have seen is theological—or rather, metaphysical: "the notion of a personal God, or at any rate . . . the idea of sin as going against the fundamental nature of reality so that we are fighting against the main stream of the universe when we act wrongly"[22] (170). A third option is that we simply have two indefinable concepts covered by deontic language—the *plus* in fittingness-plus being irreducible to any combination of fittingness and a natural or super-natural concept.

Were she to grant that fittingness is coherent, a partisan of Anscombe's position facing this crossroads would affirm that God is the *plus* and deny that the *plus* was otherwise intelligible. As such, my task in what follows is to demonstrate that we do understand the

[21] Jay Wallace and Stephen Darwall attempt to discriminate moral obligations on a similar basis (Darwall 2006; Wallace 2013). Both philosophers stress the appropriateness of the reactive attitudes and in Darwall's case, second personal accountability, as essential to moral obligation.

[22] I will not pursue the other metaphysical suggestion here but only note that it presents a possibility for an alternative attack on Anscombe's insistence that moral obligation cannot be understood absent a law and lawgiver.

plus without bringing in God. I will do so in the same manner that I illustrated the coherence of the ought of fittingness in the previous section: I will offer a structural explanation of moral obligation that is neither a proper definition nor a paraphrase.

I believe that moral obligation is distinguished from the ought of fittingness by the former's peremptory character. It is part of the concept of a moral ought that it has preclusive effect, cutting off other considerations that call for action that is inconsistent with the imperative. A moral obligation to help a person in distress, for instance, does not simply outweigh the fittingness of the non-moral ought dictating that I make it to my theatre seat before curtain—it precludes it from consideration. This is not to say that it ceases to be of normative significance that I have a ticket for a witty play; it is still the case that is fitting for me to make it to the show on time. It is simply that the moral ought in question preemptively mutes the non-moral one.

This picture of moral obligations is comparable to that offered by John McDowell in his article "Are Moral Requirements Hypothetical Imperatives?" According to him, when an agent accepts a moral obligation, nonmoral reasons are not merely outweighed but are "silenced altogether" (McDowell 1978, 26). He writes:

> [T]he dictates of virtue, if properly appreciated, are not weighed with other reasons at all, not even on a scale which always tips on their side. If a situation in which virtue imposes a requirement is genuinely conceived as such, according to this view, then considerations which, in the absence of the requirement, would have constituted reasons for acting otherwise are silenced altogether—not overridden by the requirement.

(26).[23] On close inspection, McDowell's notion of silencing is cashed out in terms of the influence (or lack thereof) that a reason has on a virtuous agent's will. "If one is clearly aware

[23] It must be noted that McDowell is speaking of what happens to nonmoral *reasons* when a moral obligation is accepted. A reason, unlike an obligation, is not an ought but something that contributes to an ought. As McDowell says, "[T]he reason is not expressed by the 'should' statement itself. The reason must involve some appropriate specific consideration

of a moral requirement to behave differently, one will not take the prudential consideration as the reason it would otherwise be. . . . [T]heir rational influence on the will is conditional, not upon a desire, but upon the influence of a clearly grasped moral requirement to do something else" (29).

As Jeffrey Seidman has noted, McDowell's silencing thesis is not restricted to the claim that the virtuous agent is not actually motivated by the silenced consideration—that she has no desire to act upon it or for it (Seidman 2005, 68–69). Rather, McDowell stands by the stronger thesis that the agent does not believe that the silenced considerations are reasons for him to act (68–69). Seidman calls the former type of silencing "motivational silencing" and the latter "rational silencing" (69). Moral requirements are "rationally silencing" on McDowell's view, for they make the "rational influence" of the nonmoral considerations on the agent's will conditional on their presence or absence.

McDowell's endorsements of the rational silencing view of moral obligations should also be distinguished from the position taken by Joseph Raz concerning the exclusionary effect of certain reasons upon others. To explain the authority of law, Raz argues that laws function as "exclusionary reasons" (Raz 1979, 17). Exclusionary reasons are reasons to "refrain from acting for a reason" (17). According to Raz, some reasons are both vanilla reasons favoring an action and exclusionary reasons to refrain from acting for other reasons. These he calls "protected reasons" (18).

Raz tells us that exclusionary reasons do not, strictly speaking, conflict with lower-level reasons (Raz 1990, 40). Given two first-order reasons *p* and *q,* if *p* is a reason to

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which could in principle be cited in support of the 'should' statement" (14). In terms of Ewing's fittingness relation, McDowell's reasons correspond to one of its members—the circumstance (e.g., that I have tickets to a witty play). Contrasting with McDowell, the arguments of this section concern the distinction between nonmoral and moral oughts.

perform action *A* and *q* is a reason to perform incompatible action *B*, then *p* and *q* are strictly speaking conflicting reasons. As such, they must be weighed against each other to determine what the agent ought to do. By contrast, given a second-order reason *r* not to act for reason *p*, it is not the case that *r* and *p* conflict or are weighed against each other. Their encounter is "resolved not by the strength of the competing reasons but by a general principle of practical reasoning which determines that exclusionary reasons always prevail, when in conflict with first-order reasons" (40).

While Raz's account of protected reasons is broadly consistent with McDowell's silencing view of moral obligations, there is at least one notable difference. Whereas for McDowell, reasons that are silenced in the presence of a moral requirement are not taken into account in deciding what to do all things considered, Raz contends that exclusionary reasons give us reason not to act on the balance of reasons, "if the reasons tipping the balance are excluded by an undefeated exclusionary reason" (40). Thus Raz asserts that laws, qua secondary reasons, make it the case that one ought not to act on the balance of reasons. In contrast, McDowell claims that moral obligations, being rationally silencing, exclude the silenced considerations from the balance.

I believe that McDowell's portrait of the rational silencing effect of moral requirements accurately describes the peremptory force of moral oughts. Moral obligations do not alter which actions are *pro tanto* fitting. For instance, it does not cease to be fitting to be on time for the humorous play when I have a moral obligation to stop and render aid to

the person in distress. As McDowell would agree,[24] recognition of a moral obligation does not prevent me from understanding that my action continues to be fitting in this way.

Nonetheless, the recognition of a moral obligation rationally silences the nonmoral ought at issue, depriving it of its "rational influence on the will." When I must decide what I ought to do all things considered, the *pro tanto* fittingness of a nonmoral ought is to be treated as a normative nullity. And indeed, McDowell's virtuous agent treats it as such—he does not regard it as bearing on what he ought to do.

The qualification "rational influence" means that the fittingness of another action may have some influence on the will but that any influence it has will not be in virtue of its strength as an ought. According to McDowell, it is only in the fully virtuous person that those considerations that have no rational influence on the will do in fact have no influence on the will. For most of us, however, the persistent, albeit nonrational, effect on the will of nonmoral oughts manifests in the phenomenon of temptation examined below.

In our earlier discussion of Anscombe, we noted that she objected to the idea of first-personal lawgiving in Butler and Kant on the grounds that law requires "superior power" in the lawgiver. This led us to the conclusion that it was the supposed bindingness of moral obligations that she believed only the concept of divine law could render intelligible. Contra Anscombe, I believe that the bindingness of moral obligations can be explained in terms of their peremptory character. In order to understand what it means to be bound by a moral obligation, we need not include the concept of God as lawgiver but only that of a peremptory ought.

[24] McDowell writes, "It is not plausible to suppose that perception of the moral requirement effects this by tampering with one's understanding of what it is for a fact to concern one's future" (McDowell 1978, 29)

This is not to assert, however, that we can give a proper definition of moral obligation. It is only to affirm that, as was the case with fittingness, we do have our hands on a coherent concept when we speak of a moral ought that is not regarded as a divine commandment. In order to demonstrate that the concept of a binding obligation is thus coherent and intelligible, I am offering a structural explanation in terms of peremptoriness. As was the case in the previous section, the goal is to produce a description that is neither a definition nor a mere paraphrase.

One of the ways in which we can explain a concept without defining it is to fix its place in the system of concepts. To speak of a moral obligation as a peremptory ought is to do just that. Moral obligations are similar to nonmoral oughts in that they also involve a relation of fittingness between the situation and an action. They are different from nonmoral oughts in that they are preclusive in relation to them.

Another way we have seen to explain a concept without defining it is to identify properties that accompany it and "constitute a distinguishing mark" of its presence. With respect to the preclusive character of moral oughts, a distinguishing mark of its presence is the phenomenology of temptation. While not every instance of moral obligation is one in which moral duty perempts a nonmoral ought, the experience of being bound to perform one action while wanting to do another supported by countervailing considerations (often pleasure or self-interest) is familiar and distinct. As Prichard characterized matters, "Any one who stimulated by education, has come to feel the force of the various obligations in life, at some time or other comes to feel the irksomeness of carrying them out, and to recognise the sacrifice of interest involved . . . ." (Prichard 1912, 21). The phenomenology of temptation does not define the peremptoriness of moral obligations, but it does vividly illustrate it. Specifically, no matter the strength of the nonmoral consideration in question, moral

obligation does not yield to superior force but rather stands on a different plateau removed from the normal competition between nonmoral oughts. We can see this by comparing our experience of weighing two nonmoral oughts with our experience of facing a nonmoral ought and a moral one. Whereas the fittingness of jogging may outweigh that of having a cup of coffee at the café this morning, a moral obligation cannot be bested in this manner. With respect to a nonmoral ought, we can always imagine a more powerful one that could override it. Assuming that the pleasure we feel in eating a certain dessert makes it fitting that we eat it, we can envision a dessert more pleasurable to consume that would be more fitting and ought to be the one to be eaten were the two both options. The same cannot be said if the choice is between eating a pleasurable dessert and, say, avoiding telling a lie.

We can explain the bindingness of moral obligation in terms of the peremptoriness of moral oughts. The point in doing so is not to demonstrate the reality of moral obligation, nor is it to explain how moral obligations are possible or identify the sources of normativity. As Prichard affirmed, we "feel the force of the various obligations in life," and it is a separate (in his opinion mistaken) question whether and why we really must comply with them (Prichard 1912, 21–22). It should be obvious that the point is not to discern a fundamental normative principle (e.g., the categorical imperative) from which we could derive particular moral conclusions. The *point* of the explanation is simply a conceptual one, to demonstrate that moral obligation is a coherent concept without the idea of God the lawgiver. When we take ourselves to be morally obligated in everyday life, we know what we are about, that is to say, "we feel no doubt about the nature of the demand which originates the subject" (21). The use of talking of peremptoriness is simply to explain as best we can what it is we believe when we take ourselves to be under a moral obligation.

4. Conclusion

As familiar as the experience of moral obligation is, its familiarity has not forestalled a sense that it is a queer thing. It may prompt us to ask what it is that binds us when we are morally bound to do so-and-so. This may or may not be a worthwhile question to ask (Prichard did not seem to think so), but it is critical to our response to Anscombe that it be distinguished from any conceptual defect in the idea of moral obligation.

The question of what binds us to do what we morally ought to do touches a sore spot for moralists. The question arises from explaining moral oughts by analogy to the civil law. The comparison is helpful for expressing the peremptory force of moral obligation. At the same time, following the analogy between the two invites Anscombe's objection that a moral obligation is unintelligible without a moral law and lawgiver. A comparison with the civil law is apt for describing the bindingness of moral obligations; for like the civil law, the moral law rules out of consideration certain other fitting actions.[25] For example, the law of wills requires that the decedent's property be distributed according to the named shares. If a woman has made a will giving her property in equal shares to her children, the executor must do so, even if one of them now requires expensive medical treatments.

The problem with following the analogy between being obliged by the civil law and being morally obliged comes when one asks what obliges one to adhere to the moral law. In the case of the civil laws, we are obliged by the state to comply with the rule that the state has decreed. The executor who hands more assets to the ill child can be held in contempt of court—coerced into compliance and punished for noncompliance. If the analogy is to be complete, there must be someone or something standing in the powerful coercive role of the state in the case of moral obligation. Anscombe thinks that this must be God if the idea of

[25] Raz believes that it is characteristic of law that legal rules are protected reasons to do certain actions and to refrain from acting for other reasons that might otherwise tip the balance of reasons in favor of a different course of action (Raz 1979, 30).

moral obligation is to be a coherent one.

As the arguments of this chapter have shown, however, the analogy need not be complete in order for the idea of a moral obligation to be an intelligible one. It is not nonsense to say, in a moral sense, that I must keep my promise and not thereby mean that God has commanded me to do so.

The idea of God can be introduced to moral theory, not as part of the concept of moral ought, but as the ground of moral ought. In this role, the concept of God is supposed to answer the question of why moral oughts are binding[26] and provide a criterion for distinguishing which actions are morally required. Such a divine command theory asserts that God has commanded certain things and that an action is morally obligatory if and only if God has commanded it. This theory is not a definition of moral ought but rather assumes the coherence of the notion of moral ought.

In summary, there are three questions which we can distinguish. The first is whether we have an intelligible concept of moral obligation. This is what Anscombe alleges we lack (sans divine command view) and that I have demonstrated we possess. The second is whether we are indeed subject to moral obligations. I agree with Prichard that experience answers this question for us, insofar as we do "feel the force of the various obligations in life." The third is why moral obligations have their peremptory character.[27] A divine

[26] The question of why moral oughts are binding is equivalent to the question of why moral oughts are what they are.

[27] Answering it can also furnish us with a criterion or first principle for judging or deriving which actions are in fact moral obligations. For instance, one might hold that moral obligations are moral obligations because there are certain actions that agree with the human *telos* and others that do not. In this case, we have a foundational explanation of moral obligation. Moreover, if we also know the human *telos*, we can determine which actions are obligatory and which are not.

command theory is a possible answer to this question.[28] However interesting we may take this third question to be, we need not be able to answer it (or accept that divine command is the answer to it) in order to answer the first question in the affirmative.

Anscombe was correct to assert that the deontic terms, in their moral sense, do not just relate to good or bad, as in the claim that "machinery needs oil, or should or ought to be oiled" (Anscombe 1958, 5). Indeed, she rightly affirmed that in their moral senses, words like "ought" and "must" are the equivalent of "is obliged" or "is bound," "in the sense in which one can be obliged or bound by law" (5). As we saw, the bindingness of moral oughts means that they are peremptory just as the civil law is peremptory. Anscombe nonetheless erred in asserting that no sense can be made of a person being bound without thinking of a law or lawgiver. While the analogy with civil law helps us understand the peremptory character of moral oughts, we need not make the analogy complete and identify a moral lawgiver to have a coherent concept of moral obligation.

[28] Given belief in God and His lawgiving, it also answers the second question in the affirmative.

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Chapter Three, Living with a Maximizing Theory

"A man has not everything to do, but something; and because he cannot do everything, it is not necessary that he should do something wrong." – Henry David Thoreau

Consequentialists make good fundamental and define which actions are right derivatively, in terms of the amount of good they produce. In this chapter, I will not attack this mode of proceeding in ethics. Rather, I will caution the consequentialist, specifically the utilitarian, regarding how their deontic claims are formulated. My contention is that how a moral theory characterizes which actions are right is of great moral-psychological import due to the connection between the deontic and feelings of guilt. The utilitarian must be very careful what she says and how she says it: the person who hears and believes her will take his idea of what is required of him—and which acts or omissions he should feel guilt over—from what she asserts.

The chapter proceeds as follows. I begin by arguing that guilt, by its nature, is linked to an agent's beliefs about his or her obligations. To isolate the notion of duty that is linked with guilt feeling in our moral psychology, I endorse A.C. Ewing's distinction between the use of deontic language to state simply that an action is fitting to the circumstances and its use to say that an action is a moral obligation. It is the use of deontic language to communicate moral obligation, not fittingness alone, which must be given special attention when utilitarians attempt to derive which actions are right from which states of affairs are good.

To show what can go wrong in fixing a utilitarian definition of right action, I offer the example of Roger. Having been convinced of the truth of utilitarianism by one of its philosophical proponents, Roger—a single, middle-income American who wants to do right and shun wrong—takes his duty to be the maximization of utility in every action. In consequence of the tremendous, asymptotic sacrifice demanded of him by this prescription,

he suffers from chronic guilt. This forms a psychological problem for utilitarianism that is of the same character and occupies the same dialectical position as Bernard Williams' alienation objection from *Utilitarianism: For and Against.*

As a solution to this problem of chronic guilt, I offer an alternative characterization of utilitarian duty that avoids the problems of guilt and alienation that bedevil the simple maximizing formulation. To do so, I borrow a page from Peter Railton's response to the alienation objection. Railton distinguished between utilitarianism as a criterion of evaluation and utilitarianism as a decision procedure. A "sophisticated consequentialist," he said, would not try to maximize utility directly but would by and large remain in conventional morality. The sophisticated consequentialist would avoid becoming alienated and would produce better results than the naïve consequentialist who follows a decision procedure of utility calculation.

Borrowing Railton's warrant for abandoning naïve consequentialism, I will argue that the convinced utilitarian can still do better than sticking to conventional morality. I will contend that the convinced utilitarian should take his duty to be the cultivation of benevolence. Benevolence means regarding the happiness of others as equally important to your own. In less technical terms, benevolence means being a great humanitarian, it is the quality we associate with people like Albert Schweitzer or Dorothy Day who are renowned for their altruism. Although it is like a virtue in that it encompasses thought, feeling, and action, I make no claim to subsume benevolence to orthodox virtue theory.

On the view I will present, the convinced utilitarian is to understand his duty as the cultivation of benevolence. His actions conform to duty insofar as they are consistent with the development of benevolence. By removing the burden of maximization of utility in every

action, the theory avoids judging the agent as guilty for every action that fails to maximize utility.

My account of a sophisticated consequentialist has advantages over Railton's position. First of all, Railton's article did not address the problem of chronic guilt that my work raises and answers. As we will see, in its original form, his conception of a sophisticated consequentialist is ill-equipped to cope with the guilt problem. This is because it remains the case on Railton's view that the sophisticated consequentialist believes that actions are right if and only if they produce the most good of those available to the agent. I propose a tweak to the view such that the maximizing principle is used only to express a criterion for which actions are right given perfect information—not which actions are right given the psychological limits on mortal human beings. It is only the latter principle that describes an agent's moral duty as opposed to which actions are right in a weaker sense that signifies fittingness or reasonableness.

Secondly, I will contend that the cultivation of benevolence is a better way to be a sophisticated consequentialist because the duty to cultivate benevolence pushes one to improve, to become a better utilitarian agent, in a way that Railton's recommendation does not. My concerns about chronic guilt notwithstanding, I regard it is a strength of utilitarianism that it reminds us of how much more we could be doing, especially we in the affluent West, to reduce the suffering of others. For the persuaded utilitarian, who has taken to heart the message that failure to give is tantamount to letting die, the duty to cultivate benevolence places him on a path to becoming the kind of altruistic humanitarian who can, without alienation, sacrifice luxuries and comforts large and small in favor of others.

1. The Problem at Hand

1.1 Guilt and the Deontic

Guilt feelings, by their nature, are influenced by a person's beliefs about whether what she does is right or wrong. As I established in Chapter One, guilt is a deontic emotion that is partially constituted by the thought that one has violated one's obligations. Given guilt's cognitive content, whether it is justified depends upon whether the person feeling it has indeed violated her obligations.

It thus makes sense to speak of guilt as either rational or irrational, and we are fortunate in possessing a psychology in which our feelings are to an extent rationally tractable. Accordingly, there is a link, albeit an imperfect one, between an agent's considered judgments about the rectitude of her conduct and her emotions. Someone who becomes convinced that it is wrong to eat animals may subsequently feel guilt if he has a hamburger, though he formerly gobbled them with nary a pang of conscience. On the other hand, emotions have a certain degree of drag or inertia in the face of reflective judgments that contradict their representations—witness the person who knows that the cooked crickets he is served for dinner are sanitary but nonetheless feels disgust (ipso facto representing them as unclean) when looking at his plate. This obstinacy is characteristic of guilt as well; we can imagine a lapsed Catholic who reasons that there is nothing wrong with eating beef and pork on Fridays but feels guilt when he does so.

The fact that there is a link between one's judgments about duty and one's feelings of guilt means that there is also a bridge connecting philosophical pronouncements about rightness with feelings of guilt in those who believe the philosophers' theories. To understand this connection fully, we need to consider carefully how deontic words are used and when they express the psychologically loaded notion of obligation.

Our language has a multitude of words that can be used to express the same deontic thoughts: "ought," "duty," and "right" are some of these words. In *The Definition of Good*, A.C. Ewing holds that the difference in usage between these words is of little philosophical importance (Ewing 1947, 123). For Ewing, an action that ought to be done is an action that is a duty. The converse is true as well. Furthermore, an action that ought to be done is an action that is right. Ewing notes, however, that "right" can be used of an action that is one of several that can be performed consistent with obligation—whereas "ought" and "duty" are used of a specific action that is required to the exclusion of others (124). Consequently, it does not follow that if an action is right that it is an action that ought to be done or is a duty. It is for this reason that Ewing thinks that "right" is synonymous with "not wrong" and may be used of actions that are "indifferent" or permissible (124). By following Ewing's pattern, we can finish our deontic lexicon. If "right" is synonymous with "not wrong," it stands to reason that an action that is not right is an action that is wrong. A wrong action is an action that is forbidden. If an action is forbidden, then we ought not to do it and have a duty to omit it.

Each of the deontic words can be used in a way that restricts it to some context. We can say of an action that it was the right thing to do all things considered, given the available evidence, or given what the agent believed at the time he acted. Ewing points out that we abbreviate these sentences by omitting the phrase that specifies the context. He refers to these abbreviations as "senses" of ought. Nonetheless, these senses are best understood as I have described them, i.e., as restrictions of the same concept to different contexts, rather than as expressing variant ultimate concepts. Ewing would agree: "I have mentioned three distinct senses of 'ought', but I do not think that there are three distinct ultimate concepts

involved here, for it seems to me that these three merely apply the same concept in different relations" (Ewing 1959, 104).

Which restriction of the concept is the relevant one for assessing whether an agent's guilt feelings (her representation of herself as having violated her obligations) are justified? What an agent ought to do all things considered, for instance, does not seem to be at issue here. This is the action that we ought to do "taking everything into account" (Ewing 1947, 118). It is "the action which an omniscient and perfectly wise being would advise us to perform" (118). Of course, we are not omniscient and perfectly wise. It should then strike us as inappropriate to assess the rationality of an agent's guilt feelings on the basis of whether or not she did what was right all things considered. It is no one's duty to do what he or she ought to do all things considered.

The reader will note, however, that this last thought is in tension with my previous claim that "ought" and "duty" are different words for expressing the same deontic concept. At this juncture, we can borrow a further insight from Ewing's work. In *Definition*, he distinguished two deontic concepts: fittingness and moral obligation (132). The former applies to actions that we say one should do yet do not think of as moral obligations. "You ought to try the soup," we say, without meaning that it is our interlocutor's moral duty to order it.

"If I ought to do something there must be a certain relation between the action and its environment such that the action is fitting, appropriate, suitable, and its omission unfitting, inappropriate, unsuitable" (132). This relationship and nothing more may sometimes hold between an action and a circumstance bearing on one's own happiness (the savory soup) without it being the case that it is your duty to try the soup. While actions that are morally obligatory are themselves fitting, the notion of moral obligation contains an

additional notion of bindingness that makes it stronger than fittingness alone. With moral obligation, "[w]e feel that we are under binding laws which we cannot break without being ourselves evil in a more serious and quite different way from that in which pain is evil" (133).

I previously said that it is not a person's duty to do what he or she ought to do all things considered. Taking "ought" and "duty" to be synonyms, I appeared to contradict myself. Differentiating the ought of fittingness from the ought of moral obligation gives us a way out. It may be the case that there is an action that I ought to do all things considered, but if we stipulate that we will use the word "duty" only for actions we take to be moral obligations and not merely fitting actions, we can avoid the contradiction. It may be the case that an action is right all things considered, that the action is indeed the fitting action taking everything into account, but this does not mean that this action is a moral obligation. Indeed, Ewing denied that the all things considered sense of "ought" or "right" expressed moral obligations (135). He thought instead that it is only when we use deontic words relative to an agent's beliefs (his second sense) or relative to the evidence available to the agent (his third sense) that we are credibly speaking of moral obligation rather than mere fittingness (Ewing 1959, 102). On that note, it is useful to distinguish what is right or what we ought to do *humanly speaking*—given psychological limitations on human motivation, attention, and cognition—as a "sense" of deontic words that can plausibly express moral obligation. Farther along, we will see that it is this sense of deontic words that the utilitarian should insist captures an agent's moral obligations.

1.2 Ought for Utilitarians

Imagine that a person of conscience encounters moral theory. Once assured of a theory's truth, his ethical earnestness is directed towards its realization in his own life. When our ethically concerned individual is convinced by an ethical theory, he applies the standards

of that theory to decide whether a given action is right or wrong. Of course, if he is convinced by utilitarianism, then he will judge his actions according to the utilitarian standard. For purposes of this paper, I take the utilitarian standard to be that an action is right if and only if it possesses a greater net expected utility than any of the alternatives available to the agent. Although there are other formulations in currency with utilitarian thinkers, this common version is the present target.

How will utilitarianism answer the conscientious person's query as to the rectitude of his behavior? When he wants to know "Did I do the right thing?" or "Is this the right thing to do?", utilitarianism will direct him to consider his action and the available alternatives to that action. If there exists or existed alternative actions available to him with greater expected utility, then the answer to his question is negative.

Roger is a modern American who wants to live an ethical life. Reading a book on utilitarian ethics, he is persuaded and seeks to live accordingly. So he relinquishes his most obvious luxuries in the knowledge that the happiness he derives from such things pales in comparison with the reduction in misery the necessary resources could produce if otherwise directed. Abandoning eating at restaurants, fashionable clothing, and vacations, he donates all of his disposable income to a humanitarian charity like UNICEF. Still, it seems to him that there might be more that he could do to help others. In the hours that he has after work, he ceases spending this time reading books, watching television, or on outings with friends. Instead, he dedicates his time to working at a local soup kitchen.

Although Roger spends his every idle hour at a soup kitchen and gives all of his disposable income to charity, there are other courses of action open to him that do more to increase utility. Painfully aware of this fact, Roger decides to abandon his life in America entirely and travel to a country plagued with starvation and epidemic disease. Here, he

spends every waking hour working to relieve the suffering that surrounds him. Nonetheless, with the utilitarian precept ringing in his head, he is not at peace with his conscience. An extra hour of humanitarian labor on Roger's part could mean the difference between life and death for a starving person, and if Roger sleeps five hours a day, he could certainly sleep four hours. Whatever he does, it seems that there is always something more that he could do whether it is giving up five minutes of sleep or half his pot of rice in another's favor, and the utilitarian rule to which he adheres indicts him for his failure to do so.

Roger's commitment to utilitarianism is a source of chronic guilt. In the example, there always seemed to be something more that Roger believed he could do to help others that would result in greater net utility. Accordingly, the answer that Roger will arrive at when he asks, "Did I do the right thing?" is a negative one. Since he believes that he acted wrongly he will naturally feel guilty.

Even with respect to the most trivial action, like buying a can of Coke, the preference to self involved is likely to be cause for guilt given the good for others that spare change could have accomplished. Although he wants deeply to do the right thing, answering the question "How much is doing enough for other people?" causes him persistent difficulty. Of course, it may be true that there exists some utilitarian right action, but on a quotidian level, that action will prove exceedingly, maddeningly difficult to discern and carry out. Consider the questions he faced when he chose a life of service in the Third World: Should he sleep for four hours or five hours, and should he eat a whole bowl of rice or offer half of it to the hungry person next to him? Pressing the logic, should he offer him two-thirds or four-fifths of his own meal?

One could say that utilitarianism already furnishes answers to these questions: Roger's sacrifice should cease when the loss of utility to him equals the gain of utility to

others. But in practice, there would always be one more minute that could be given over to the service of others, and Roger will be bound to guilt by his utilitarian convictions.[29]

Along with guilt, Roger will also experience alienation of the sort famously described by Bernard Williams in his contribution to *Utilitarianism: For and Against*. After being convinced by utilitarianism, Roger's decision-making process has a distinct character, one that Williams adamantly critiques:

> It is absurd to demand of such a man, when the sums come in from the utility network which the projects of others have in part determined, that he should just step aside from his own project and decision and acknowledge the decision which utilitarian calculation requires. It is to alienate him in a real sense from his actions and the source of his actions in his own convictions. It is to make him into a channel between the input of everyone's projects including his own, and an output of optimific decision; but this is to neglect the extent to which *his* actions and *his* decisions have to be seen as the actions and decisions which flow from the projects and attitudes with which he is most closely identified. It is thus, in the most literal sense, an attack on his integrity.

(Williams 1973, 116–17). The crux of Williams' argument is found in his criticism of the utilitarian's attitude or manner of deliberation. Specifically, utilitarianism demands that the individual treat the things that he enjoys or cares about, from the pleasure he derives from cookie dough ice cream to his life-long dream to become a famous cellist, as factors in a utilitarian formula that grants equal weight to comparable desires of others. In the process, a person's own most basic values or commitments are necessarily compromised by being passed through the utilitarian prism. Since Roger is often forced to contravene his

[29] It is important to note that the chapter is not addressing the familiar demandingness objection to utilitarianism (Chappell, 2009). Unlike the present view, the demandingness objection is not concerned with guilt or an agent's psychology but rather with the extreme, life altering demands that utilitarianism makes considered as objectionable in their own right. In the present paper, Roger's change in lifestyle is discussed not to show that the changes themselves are inherently problematic but to illustrate the futility of efforts to tame utilitarian guilt by undertaking them.

commitments in action and always fated to alienate himself from them in deliberation, his integrity is inevitably compromised.

The conscientious person's response to his encounter with utilitarianism reveals two problems of implementation: guilt and alienation. Both problems stem from utilitarianism's character as a *maximizing theory*. Whereas conventional morality's limited set of "thou shalt nots" and even smaller set of bounded "thou shalls" leaves room for an ample category of permitted actions, utilitarianism's precept makes duty all encompassing. All and only actions which maximize expected utility are in accordance with duty: a moral state of affairs that, barring ties, leaves only one action in each situation that is not wrongful.

Conscious of the faults of a theory which directs one to maximize utility in every action, many philosophers have proposed modifications to utilitarianism that try to cope with the difficulties I have been describing. By and large, these theories entail establishing a distinction between utilitarianism as a decision procedure and utilitarianism as a criterion of evaluation.

2. Solutions from the Literature

In his article "Alienation, Consequentialism, and the Demands of Morality," Peter Railton presents a consequentialist theory that tries to cope with the alienation objection. At the heart of his paper, he distinguishes between what he calls subjective and objective forms of consequentialism. In his words, "Subjective consequentialism is the view that whenever one faces a choice of actions, one should attempt to determine which act of those available would most promote the good, and should then try to act accordingly" (Railton 1984, 152). Objective consequentialism, in contrast, is "the view that the criterion of the rightness of an act or course of action is whether it in fact would most promote the good of those acts available to the agent" (152). Railton proceeds to argue that the wise *sophisticated*

consequentialist will strive to live a life in accord with objective consequentialism but does not necessarily try to live a subjectively consequentialist life. Thus, according to Railton, a utilitarian should not necessarily employ a utilitarian deliberative procedure in making his decisions. Though he accepts utilitarianism and wishes to live a moral life, he is no fool and realizes that the best way to accomplish this is not to try to be a utilitarian directly.

Railton contends that his sophisticated consequentialist will be free from the alienation diagnosed by Williams. His example is a man named Juan who lives a fairly normal domestic life qualified by occasional moments of consequentialist reflection (150–51). Juan is a married man who loves his wife yet also has strong consequentialist convictions. Being a good husband, he is devoted to his spouse and confidently puts his relationship with her first. As Juan explains, his marriage is an example of the need to balance moral efforts with personal commitments. Juan says, "People get burned out, or lose touch, if they try to save the world by themselves. The ones who can stick with it and do a good job of making things better are usually the ones who can make that fit into a life that does not make them miserable" (150). Notice the synergy here between personal well-being and consequentialist demands: Juan is able to justify his marriage on the reasonable belief that allowing himself such commitments makes for a more objectively consequentialist world than repudiating them for a life spent solely in consideration of the needs of others.

Moral theory does interrupt Juan's life in two ways. First, it is what drives him to consider the wider world and the needs of others beyond his personal commitments (151). This manifests itself in acts supporting charity or social reformation that aim at producing a more objectively consequentialist world (159, 161). Second, consequentialist morality serves as a fail-safe in Juan's psychology. While ordinarily not engaged in consequentialist deliberation, he occasionally reflects and is willing to adjust or abandon his commitments if

they cease to be "morally defensible" (151). Summarizing Juan's personality as a sophisticated consequentialist, he lives a life that involves authentic, unalienated personal commitments yet remains faithful to his consequentialist beliefs by retaining a willingness to submit his life to consequentialist criticism.

Railton's article concerns Williams' alienation objection and does not consider the problem of chronic guilt that I have identified. As we will see, the sophisticated consequentialist as sketched will remain susceptible to chronic guilt over the thought that he is failing to maximize utility by his actions. Nonetheless, I can adjust the view by insisting that the utilitarian principle that gives us the criterion for right action all things considered differs from the principle that expresses the right action humanly speaking and which states one's moral duty. The former does not express moral obligation at all but is only a statement about what makes actions fitting all things considered. Given perfect information, this would be the reasonable action to do—the action that is "fitting, appropriate, suitable" to the situation.

Railton tells us that he is propounding a form of act consequentialism, not rule or motive consequentialism (156–57). The sophisticated consequentialist believes that maximizing utility is the criterion of right action but he also believes that he can best live an objectively consequentialist life by cultivating dispositions to care about things other than maximization (157). However, unlike a motive consequentialist (e.g., Adams 1984) who believes that acting in accord with a certain motive is the criterion of right action or the rule consequentialist who thinks that it is right to adhere to the rule that would have best consequences if everyone followed it, the sophisticated consequentialist does not think that acting from these dispositions is the criterion of right action. It remains the case that only the action that maximizes utility is the right action. Thus, as Railton allows, a sophisticated

consequentialist may recognize that he ought to develop dispositions that, while productive of an objectively consequentialist life, are such that they will cause him to "act worse than those he would have performed had he stopped to deliberate" (Railton 1984, 157). In other words, "he continues to believe that an act may stem from the dispositions it would be best to have, and yet be wrong (because it would produce worse consequences than other acts available to the agent in the circumstances)" (158).

When the sophisticated consequentialist performs a wrong action from a disposition that he was right to develop, Railton asserts that what he does is wrong but that he is not blameworthy.[30] He is able to make this claim because he assumes that whether someone has done something wrong is a separate question from whether the person deserves to be blamed (Railton 1984, 159). Familiar as we are now with the guilt literature, we know that guilt feelings and the idea of transgression are too tightly bound for this maneuver to succeed. In brief, the sophisticated consequentialist accepts that an action is right if and only if it maximizes utility. When a sophisticated consequentialist knows she has performed a suboptimal action from a disposition she was right to cultivate, Railton calls this a case of blameless wrongdoing. The idea of blameless wrongdoing though only makes sense if we take the rightness and wrongness at issue to be a matter of simple fittingness and not moral obligation. Otherwise, if we are dealing with moral obligation, we have a case in which the agent knows that she has violated her obligations, and it is in just such cases that guilt is a warranted emotion.

The bones of a solution to the problem should be clear however. If we amend Railton's proposals, we can provide a characterization of the sophisticated consequentialist that does not have him do what he believes to be morally forbidden. The proposal is that the

[30] Derek Parfit calls these cases of "blameless wrongdoing" (Parfit 1984, 32).

sophisticated consequentialist should be understood as one who accepts that actions are right, all things considered, if and only if they maximize utility. Though he believes this formula, he does not take it to express his duty but rather understands the rightness at issue to concern fittingness alone. Again, it is no man's duty to do what he ought to do all things considered. Rather, the sophisticated consequentialist knows this and accepts that it is his duty to do what he ought to do humanly speaking. And humanly speaking, as Railton has shown, it is not the case that a person should act to maximize utility but instead that he ought to act largely as conventional morality would dictate (e.g., as Juan does). It is this last deontic formula that gives an agent's duty, that states his moral obligation.

The reader may question whether this reworking of Railton's position transforms him from an act consequentialist to a sort of indirect consequentialist like a rule consequentialist. The proposed alternations do not work such a substantial change. It remains the case that actions are right all things considered if and only if they maximize utility. At the same time, this statement is understood to be using "right" to refer to fittingness and not to moral obligation. That the sophisticated consequentialist accepts a different dictum with respect to duty, what he ought to do given human psychological limitations, does not void the view's act consequentialist credentials. On the contrary, it is still the case that what makes an action right all things considered is utility maximization, and this principle grounds what makes an action right humanly speaking.

The difference between an act utilitarian and a rule utilitarian falls along the line dividing a direct consequentialist from an indirect consequentialist. A direct consequentialist holds that the moral character of an action depends solely on the consequences of that action (Sinnott-Armstrong 2015). An indirect consequentialists holds that the moral character of an action depends on the consequences of something else, such as what would

be the case if everyone were to follow a certain rule (Sinnott-Armstrong, 2015). The sophisticated consequentialist as amended is emphatically a direct consequentialist and an act consequentialist. Either of the principles he accepts, concerning respectively what is right all things considered and what he ought to do humanly speaking, is concerned with acts and their consequences (e.g., the consequences of acting to develop a certain disposition) and not the consequences of a certain rule or motive's being in place.

In sum, the change proposed to Railton's position is that, in addition to distinguishing the use of consequentialism as a criterion of evaluation from its use as a decision procedure, we also distinguish what is right all things considered and is a matter of fittingness from what is right humanly speaking and is a matter of duty. Whatever principles or procedures would produce an objectively consequentialist life, the reimagined sophisticated consequentialist believes it is her duty to act accordingly, not to do whatever would maximize utility and would be right all things considered. Railton's article spoke univocally about right and so left even the sophisticated consequentialist—thinking that he was doing wrong by not maximizing utility—setup for chronic guilt.

* * *

We should now reimagine our character Roger as he would be if he responded to his utilitarian convictions after the fashion of Railton's Juan. As a sophisticated consequentialist, Roger will allow himself to cultivate friendships, romances, keep his promises, and give some money to UNICEF. He will not hesitate to spend a dollar on a Coke, to favor his spouse over strangers in giving gifts, or to remain in America close to his friends and loved ones. From time to time, he may have recourse to his moral theory to scrutinize his lifestyle and consider changes. In major cases, he may invoke utilitarian considerations to forbid himself to carry out an important personal project, but by and large, he will live an ordinary life in

accord with the affections and personal commitments that constitute the hodgepodge of a conventional moral existence.

Roger's life as a sophisticated consequentialist is pleasantly free of the psychological pitfalls into which a naïve consequentialist led him. Railton's view thus deserves credit for steering the consequentialist agent clear of alienation, and when modified to take account of the difference between fittingness and moral obligation, for evading chronic guilt as well. Nonetheless, there are two deficiencies in Railton's model of the sophisticated consequentialist.

First, it fails to represent sufficiently the maximizing character of utilitarianism. In telling someone like Roger to avoid utilitarian calculation in plotting his way through life, it directs him to act in a way that is more objectively utilitarian than simple act utilitarianism but is nonetheless disconnected from the goal of maximizing utility. While a life of conventional morality may result in higher net utility than naïve action maximization, there may be other ways of life more disposed to maximizing utility that do not entail acting like a utility calculating machine. Whereas Railton proposes allowing oneself to consult utilitarianism to occasionally take stock of one's life in reflective moments, one would probably come closer to maximizing utility if one cultivated particular values or attitudes more likely to maximize utility than conventional morality. While empathy and charity are amongst the qualities of a conventional moral life, insofar as they are concerned with the happiness of others, they ought to be disproportionately emphasized in the character development of an ideal utilitarian agent.

The second point of criticism also relates to the maximizing character of utilitarianism: Railton's theory does not explain how it could ever be morally obligatory to give one's money to UNICEF instead of buying a can of Coke. As we have noticed from our

talk about Roger, utilitarianism dictates that we devote a far greater share of our time and resources to the needs of the desperately impoverished. We saw that such demands were hazardous for leading the conscientious person towards chronic guilt and ethical anxiety, and while these features certainly are objectionable and avoided by Railton's theory, he does not address them in the right manner. Although we may wish to avoid the unpalatable psychological ramifications of simple act utilitarianism, it would be better if our theory could find some way to capture the claims utilitarianism makes on us in regards to assisting the desperately needy.

Railton counsels that the proper response to utilitarianism is basically the life of a highly ethical suburbanite, but given the resolve with which utilitarianism directs our attention to the plight of the world's poorest, that response is inadequate. One of utilitarianism's merits is its ability to unmask complacency when it comes to the mass of preventable suffering co-existing with us in the world. More explicitly, it forces us to consider the juxtapositions that I have imagined Roger contemplating between the needs of a homeless man and one's own pleasure in reading quietly at home. In the next section, I will try to better Railton's work in this respect and avoid losing the enlightening stringency of utilitarianism.

3. A New Approach

The utilitarian agent ought to cultivate the disposition to see the happiness of others as equally important to his or her own. I will call this personal quality benevolence. It is a character trait, and as such, refers to a stable disposition of thought, feeling, perception, and motivation. By acquiring benevolence, one does not relinquish one's own interests but one's concern for self is no greater than one's concern for the other. The other is not humanity en

masse, but the individual one encounters. The benevolent person's concern for each other is equal to her concern for herself. It is not an equal concern for everyone, for all of humanity.

The parity between the altruistic and the egoistic in the benevolent person is not only an equality of strength but also a sameness of kind. In explaining the equivalence, I wish to follow Bishop Butler. His focus is the the Biblical injunction to "love . . . they neighbor as thyself":

> [T]he precept may be understood as requiring only that we have the *same kind* of affection to our fellow creatures as to ourselves: that, as every man has the principle of self-love, which disposes him to avoid misery and consult his own happiness, so we should cultivate the affection of goodwill to our neighbor, and that it should influence us to have the same kind of regard to him.

(Butler 1983, 58–59). To appreciate Butler, it is important to grasp how he conceives of self-love. According to him, the principle of self-love consists in "regard to our own Interest, Happiness, and private Good" (48). It is to be contrasted with the "several particular passions, appetites, and affections," a category that includes every particular desire for something, from the desire for an ice cream cone to the desire that one's brother recover from an illness (28). Whereas self-love has regard for the agent's happiness, particular passions do not; they are directed at their particular objects (38–39). In consequence, self-love can come into conflict with particular passions, as it does in the case of a man who has not drunk for days but knows that the water he has found is poisonous.

Significantly, self-love is not a description or amalgamation of one's sundry particular desires. It is a discrete disposition in a person to "avoid misery and consult his own happiness." It is a kind of advocate, a lobbyist pleading not for any particular object, but for the happiness of the person as a whole. However, a person's happiness is at least partly dependent upon the satisfaction of his particular desires. Accordingly, self-love leads a person to consider those desires and the possibilities for their satisfaction.

If it were a psychological element of the same kind as self-love, benevolence then would be a disposition to avoid the misery of the other and to consult his or her happiness, including his or her desires and the possibility for their satisfaction. "[R]eal benevolence to our fellow creatures would give us the notion of a common interest . . . for in the degree we love another, his interest, his joys and sorrows, are our own" (59). To the extent that self-love moves a person to attend to his own desires, benevolence moves that person to attend to the other's desires. It is a lobbyist pleading for the happiness of the other, an "advocate within our own breast, to take care of the interest of our fellow creatures" (59).

Regarding pluralities of others, the benevolent person regards the happiness of each person she encounters as equally important to her own. When confronted with a multiplicity of people, she sees each person's happiness as equally important to her own and thus equally important to that of each of the other persons. She is not a utilitarian god, however, and she does not consciously consider or address the happiness of all six billion of the Earth's inhabitants. As John Stuart Mill acknowledges, "[I]t is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large" (Mill 2015, 132). He asserts that "[t]he great majority of good actions are intended not for the benefit of the world, but for that of individuals, of which the good of the world is made up" (132). Accordingly, "the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned" (132).

The reader may yet question whether a person who possessed self-love and love of others in equal shares would not end up a case of unsustainable self-neglect—her affection for herself, being equal to her affection for the other, drowned given the large number of others before her. Thus far, I have said that the benevolent person views the happiness of

each person she encounters as equally important to her own. I have also said that the love of the other is like an advocate in the benevolent person standing at the bar with the advocate called self-love. The advocate for the other carries far more petitions than the advocate for self, but each of the petitions brought by the former is as moving and affecting as the lone entreaty pressed by the latter. This ensures that when the benevolent person faces a decision in which her interests are out of line with those of a large group of others, the voice of the love of others will resound over that of self-love and press the benevolent person to make the choice that is worse for her.

That this does not result in untenable self-neglect is a function of the fact that self-love and love of the other are not the only two elements in the psychology of the benevolent person. The benevolent person still gets hungry, still has a taste in music, and does not *ipso facto* lose her sweet tooth. In Butler's terms, she retains her "several particular passions, appetites and affections," and these are still a goad to provide for her own needs (62). Furthermore, while both self-love and benevolence serve as spurs to act for the sake of either self or other, these psychological forces do not exclude their bearer from deliberating and acting for reasons. We need not assume a Humean theory of motivation on which reason's only role is to serve whichever passion is for the time the strongest. Just as preference for self does not prevent an ordinary person from repairing an old car at great expense to herself, doing so because the car will "look really cool" in the end, the benevolent person who lacks preference for self is not barred from acting for reasons that are neither self- nor other-regarding. Indeed, the suspicion that the benevolent person will drown in her own altruism should weaken if we recall that the benevolent person need not act only for consequentialist reasons. Whether or not a consequentialist theory acknowledges the existence of reasons to do anything other than maximize the good, we have already decided

that the sophisticated consequentialist should not deliberate as if "He's my spouse" or "That wallpaper would really suit the room" did not communicate reasons for action.

A benevolent person may act in such a way that her needs are met—even when that means neglecting the interests of a large group of others—without acting out of a preference for self which she no longer shares with the rest of us. What is significant about the benevolent person is that one particular disposition, self-love, is counterbalanced by another disposition, the love of the other. The benevolent person is free of egoism, not because she is monomaniacal about helping others, but because the peculiar disposition that focuses her care and attention on herself is always matched by a disposition to attend to the happiness of each other person in the same way. While this means that the voice of self-love can be swamped when the number of others at issue is great enough, this does not mean that the benevolent person is without other motivational bases to sustain herself and her projects.

Finally, in speaking about the benevolent man or woman, I do not mean to say that any such person has ever existed or is likely to exist. It may be that a certain degree of narcissism or egoism is an inescapable fact of human nature. Nevertheless, the fact that perfect benevolence may be a practical impossibility does not necessarily preclude demanding that one strive to cultivate it. Though we fail to achieve many traditional virtues, we do not therefore feel absolved from our duty to pursue them. Here it is true of the duty to cultivate benevolence what Kant said was true of his wide and imperfect duties: "It is a human being's duty to *strive* for this perfection, but not to *reach it* . . . and his compliance with this duty can, accordingly consist only in continual progress" (Kant 1996, 196). The duty of benevolence prescribes that one make it one's goal to advance in benevolence.

3.1 A Remedy for Guilt and Alienation

When Roger took his duty to be maximizing utility in his every action, he found himself unable to quiet his conscience. Prosaic tasks like purchasing a movie ticket became sources of guilt when he thought of the relief his time and resources could have otherwise provided to those in need. And even extreme self-sacrifice left him in doubt as to whether he might have done more to help others. Benevolence relieves this pressure by shifting obligation from maximizing utility in every action to becoming a utility-promoting humanitarian. This transition makes the question "How much is doing enough for others?" more manageable. To see how, we can return to the example of the conscientious utilitarian buying a can of Coke.

In the immediate aftermath of a decision to buy a soda, the question, "Did I do the right thing?" is no longer interpreted as "Did I maximize utility by my choice?" Instead, "Did I do the right thing?" is parsed as "Did I act in a manner consistent with cultivating benevolence?" The answer to the first question is negative: buying the Coke failed to maximize utility because the money could have saved a life if given to UNICEF. For the second expression, the answer will generally be affirmative. Insofar as one's actions are in keeping with the cultivation of benevolent traits like empathy, compassion, and equal respect, they do not infringe on one's duty. Buying a can of Coke is not necessarily incompatible with these traits or the life of a benevolent person who possesses them to a large degree.

When I say that purchasing the Coke was consistent with the development of benevolence, I do not mean that the action promoted benevolence. In order to be consistent with the development of benevolence, an action need not be a cause of incremental progress. To the contrary, to be consistent with the development of benevolence an agent's

action must be such that the agent will continue to make long run progress. An action may even be consistent with benevolence if it causes the line of the agent's progress to descend for a time but to ultimately rise to a new peak. Again, a comparison with Kant's wide duties is apt: the duty to cultivate benevolence gives the agent latitude to achieve the prescribed end and does not require that every action advance that end.

Turning to a different topic, we can consider how well the view copes with Williams' alienation objection. Clearly, the person striving to develop benevolence is not acting like a utility calculating machine. On the contrary, he is attempting to acquire habits of thinking and feeling which will lead him to naturally and spontaneously act in a way that maximizes utility. In doing so, he is not abandoning his existing commitments but placing them in a larger context of commitments to others. There is no schism here between commitments and action. Of course, the development of a trait requires acts of self-discipline in contravention of existing inclinations. However, insofar as benevolence demands that one occasionally reproach oneself for vicious feelings and actions, it does no more than any newly adopted normative theory.

3.2 Advantages Over Railton's Model

In a prior section, I criticized Railton's example of a sophisticated consequentialist—Juan the ethical suburbanite—on two grounds: (1) failing to adequately represent the maximizing character of utilitarianism and (2) failing to explain how it could ever be morally obligatory to engage in extraordinary acts of self-sacrifice to meet the even greater needs of the impoverished. In what follows, I will show how the view on offer can in contrast satisfy these two concerns.

I am arguing that the utilitarian duty is to cultivate a trait of treating the happiness of others as equally important to one's own. As such, there is a prospective, forward-looking

character to the duty to cultivate benevolence. Although action maximization is not required, the agent remains oriented to the ultimate goal of maximizing utility. Gradually, one tries to become the kind of person who acts in keeping with utilitarian standards. Railton's model lacks this progressive aspect and instead interprets utilitarianism as requiring that one remain largely in conventional morality. Whereas the pursuit of benevolence possesses traits which guide one towards the theoretical goal of maximizing utility, a life of conventional morality does not necessarily contain such seeds of continuous utilitarian growth. While bettering oneself in conventional morality could involve increased acts of charity, it countenances limits on that charity that the development of benevolence would allow one to gradually surpass.

When we imagined Roger's life as a simple act utilitarian, I described him undertaking the utmost self-sacrifice in order to benefit those in desperate need. Attempting to live a utilitarian life, he took as his duty many things which would normally be considered supererogatory. Railton's theory fails to show how these acts could be considered morally obligatory. As the following paragraphs aim to demonstrate, the benevolence approach is able to show how such acts may come to be obligatory for some people without making them a matter of duty (and a source of either chronic guilt or alienating demands) for ordinary people. In doing so, the theory preserves more of (though not all of) the utilitarian perception that those in the affluent Occident ought to be doing more to relieve radical poverty and deprivation.

In *Heroes, Saints, and Ordinary Morality*, Andrew Flescher argues that particular acts may be supererogatory for some people and obligatory for others. He points out that many real life heroes and moral saints—such as Martin Luther King Jr. and Dorothy Day—claimed to be doing only what duty required of them (Flescher 2003, 7–9). Ordinarily, we

write off their words as expressing characteristic humility and regard their deeds as supererogatory—i.e., good, noble, and praiseworthy, but outside the scope of duty nonetheless. Flescher distinctively wants to take heroes and saints at their word when they say what they do is a duty. At the same time, he wants to avoid making the claim that the acts of heroes and saints are ethically obligatory for everyone (11). In his book, he proposes a solution to this dilemma:

> Precisely *what* morality demands of us at any one time depends on the particular pace at which we variously proceed towards the goal of moral betterment. What we have in common with each other is that we each ought, in our own distinctive ways, to dispose ourselves to become better people. This maxim, which is Aristotelian in nature, corresponds to the acquisition of virtue. As we become more virtuous, we become increasingly capable of *perceiving* the true nature of our responsibilities toward others, and better able to harness the courage required for successfully *acting* responsibly. Thus, there is a direct relationship between moral development and the expansion of duty.

(238–39).

For our purposes, Flescher's thesis is significant because it can explain how duties vary depending on one's progress in benevolence. Consider the ordinary person who as yet possesses a small share of benevolence. For her, buying a can of Coke in lieu of giving the money spent to UNICEF is permissible, but for the moral saint, highly developed in benevolence, the purchase would be contrary to duty. In this way, even the most extraordinary altruistic deeds (recall Roger moving to the Congo) may come to be obligatory as one progresses.

In what way might growing more benevolent modify one's obligations? According to Flescher, growth in virtue expands duty because it makes one more capable of perceiving one's responsibilities and translating those perceptions into action. He writes, "The enlightened consciousness of saints leads them to embrace a worldview in which the

distinction between self and alter is transcended and which, as a result, leads them to engage in altruistic conduct that from a nonsaintly perspective must be judged as excessive" (237).

Like the moral saint, the fully benevolent person is distinguished by an attitude which both leads her to altruistic acts and alters for her the scope of moral obligation. Recall that the question, "Did I do the right thing?" should be translated as "Did I act in a manner consistent with cultivating benevolence?" The answer to the latter question depends upon one's progress in benevolence. For a highly benevolent person—whose feelings and thoughts make him keenly aware of others' suffering, however distant—it is an act leading away from benevolence to ignore them and buy a Coke. However, for the typical person, it is not inconsistent with progress towards benevolence to neglect that far away suffering. Admitting that Flescher's thesis is controversial, I have hopefully demonstrated the theoretical feasibility of apparently supererogatory acts becoming a matter of duty, as utilitarianism insists they are.

4. Summary

This chapter considers how an individual's duty should be understood under utilitarianism, in light of the psychological perils for conscientious agents who accept it as true. A given moral theory may not be well suited to addressing the moral-theoretical questions and needs of such an audience. Mill grounds utilitarianism in an appeal to the fact that "each person, so far as he believes it to be attainable, desires his own happiness" (Mill 2015, 148). As such, the argument for utilitarianism commences from an external and impersonal observation: it talks about what is good and bad on the basis of what people in fact do or do not seek. Absent is any mention of ethical phenomenology, especially the experience of obligation and the guilt attendant upon a violation of obligation.

If utilitarian thinkers have neglected the perspective of the individual wrestling with conscience in the design of their theories, it stands to reason that the conception produced will be born blind to the psychological demands of the ethically earnest person. However, even if utilitarianism first appeared in a form better suited for the guidance of parliamentary committees, it should be possible to address it to the needs of individuals in search of applicable ethical theory. Indeed, as philosophers like Railton have previously shown, adapting utilitarian prescriptions to account for human psychology is not mere indulgence of weakness but is supported by the distinction between sophisticated and naïve consequentialism. Thus, the benevolence view can defend its retention of the act-utilitarian title despite its differences from simple maximizing utilitarianism.

That said, what is the advantage of the convinced utilitarian understanding his duty in the particular way delineated in this paper—i.e., the cultivation of benevolence? In answer, its chief advantage lies in its way of coping with the maximizing character of utilitarianism. With maximizing moral theories, the easy answers to the question, "How much is doing enough for other people?" fall short: it is not sufficient to live and let live or to help people in obvious emergencies. Rather, one has to locate the required level of altruism at a much higher point than that which conventional morality dictates or with which most of us are personally comfortable. Still, despite the extremity of its demands, utilitarianism's imperatives can prove difficult to ignore. Granted that many of us in the affluent West do not accept that it is our duty to give away the vast majority of our "hard-earned money" to strangers, we do sometimes feel that we ought to be doing much more to help the desperately needy. When Peter Singer lays out the case for famine relief in Bengal and tells us how far the money spent on the Sydney Opera House could go to saving lives, most of us likely feel a little guilty about our own indulgences. For someone who finds himself

sympathetic to Singer's argument but cannot imagine giving up everything he knows to live the life of a moral saint, what kind of guidance can we offer? Surely we do not want to ask him to continue just suppressing the pangs of conscience and repressing the awareness of inconsistency that arises whenever he thinks about his moral obligations.

Benevolence gives us something better to say, something that neither tells the morally concerned agent to ignore completely his moral convictions nor demands that he stop whining and pack his bags for the Congo. It dictates that he ought to strive for benevolence but also states that he does not have to achieve such excellence overnight and does not have to act like a utilitarian saint in the interim. Since it is likely to be ineffective anyway, he should not try to be a utility calculating machine and thereby suffer a life of alienation and ethical anxiety. Day by day, striving to become a more compassionate, a more fair-minded individual, he has before him a task that he can manage but that leads him towards the higher flights of morality that utilitarianism demands of him. The result will be a much more utilitarian life as his striving manifests itself in increased acts of benevolence. Even better, he may find himself one day approximating full benevolence, living the life of a great humanitarian like Albert Schweitzer. However, if he does someday reach that level, it will have been an organic transformation, not one that cataclysmically rips him away from his family and his deeply held commitments. Thanks to its gradual, progressive approach to coping with a maximizing theory, this is an apt model for translating the utilitarian theory of the good into deontic terms.

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Chapter Four, Moral Anxiety and Moral Staining

It is common to distinguish the use of "ought" to express a moral obligation from its use to express a conclusion about what it would be rational, perhaps merely prudent, to do. The former we take to be graver than the latter. A.C. Ewing wrote of moral obligations, "We feel that we are under binding laws which we cannot break without being ourselves evil in a more serious and quite different way from that in which pain is evil" (Ewing 1947, 133). He struggles here to articulate what makes moral duty so important, what makes immoral actions so serious.

T.M. Scanlon speaks of two questions around morality: priority and importance. The question of priority asks why it is that moral obligations are thought to take precedence over other oughts (Scanlon 1998, 160). The issue of importance refers to why we feel that violations of obligation make a person subject to special disapprobation, up to and including punishment (158–60). Scanlon concludes that moral obligations have priority and importance because they concern what we owe to others. When we fail in them, we act in ways that cannot be justified to others and experience a distressing estrangement from our fellow humans (163).

Ewing's words point us elsewhere: it is not our relationships with others that are marred by wrongdoing but our selves. Wrongdoing renders you evil—it may follow that this estranges you from your fellows—but in the first instance it is you that are changed not your relationships. How we are rendered evil Ewing cannot say, only that it is a different way of being evil than that in which pain is evil. At this juncture, the idea of sin and the idea of karma come to mind.

In this chapter, I offer an interpretation of how it is that breaches of moral obligation render one evil. My model is familiar from the literature on guilt. Gabriele Taylor

has persuasively argued that guilt differs from shame and remorse in being concerned with (1) the idea that you have violated an obligation and (2) the idea that the violation has stained or disfigured the self. There is also in the guilt literature a prominent view that coheres with Scanlon's relationship theory. Herbert Morris has argued for the view that guilt is concerned with (1) violation of obligation and (2) the severance of valued relationships.

For the reasons that follow, I believe that Taylor's view of guilt is superior to that of Morris. I think that a model of guilt as moral staining better captures guilt's reflexive, first-personal character than a relationship-severance model. It also has the potential to explain the importance and priority of moral obligation by linking violations of duty with threats to one's personal identity. This is because, as Christine Korsgaard has argued, it is through our actions that we construct our personal or practical identities. Immoral actions leave stains that threaten your integrity because, like all other actions, they contribute a piece to the ongoing project of self-constitution. As we will see, a threat to the integrity of personal identity is existential peril; wrongdoing compromises the self and leads the agent to despair over the loss of self. My suggestion is that this despair is the evil that Ewing was baffled to name: the evil that is more serious and quite different from the evil of pain.

To illustrate these points, I offer an explanation of what I call "scrupulousness." As I will shortly show, the scrupulous person—one who is persistently anxious about whether a minor action was right or wrong—is concerned with the possibility that the action has left her morally stained.

1. The Problem: A Scrupulous Student

Imagine a high school student sitting down for a geography test. Before the bell rings, she looks over the map of the world one last time before cramming the book back into her open backpack. During the test, while puzzling about the name of that country

which sits below Kazakhstan and west of Uzbekistan, she idly glances downward. To her chagrin, the book is sitting half open and she spies the name of the country, "Kyrgyzstan." "What should I do?" she wonders. "The name was on the tip of my tongue; I was just about to remember." So she decides to write "Kyrgyzstan."

But then she pauses. "Maybe the answer wouldn't have come to me. The right thing to do is leave the question blank." "But I studied so much," she retorts, "I'm sure I would've gotten the right answer on my own eventually. Why should I self-handicap like that?" So she scribbles "Kyrgyzstan" in the blank and finishes the exam. Still, she can't help rehearsing these arguments, both when she gets home that night and when her exam is returned the next day with a shiny red A in the margin. She is worried—worried that what she did was wrong. She asks herself, "Was what I did cheating? Do I need to confess, or would that be absurd?" Attempting to answer her question, she might reason, "Well, I didn't look at the book on purpose and I would've got the answer anyway." However, the next moment she says to herself, "It doesn't matter if you did it on purpose or not; you had an unfair advantage. Besides, you can't be sure whether you would've remembered that name." Suppose she carries on fretting like this all week and that six months later she has to shake the thought out of her head to avoid bringing on another round of casuistry. All that fuss over a (perhaps innocent) answer on a high school geography exam!

Henceforth, I will use the word "scrupulousness" to identify the student's psychological state of retrospective anxiety and doubt. I adopt the word "scrupulous" because it suggests traits I wish to discuss, namely, the student's *anxiety and doubt about the morality of her minor past actions*. Though it has come to signify someone who is circumspect or painstaking in moral matters or acting in general, there is an older use of the word like to my deployment of it here. The second entry in the OED reads, "cautious or meticulous in

acting, deciding," while the first entry states, "Troubled with doubts or scruples of conscience." The Dictionary's definition for "scruple" emphasizes the element of doubt: "a doubt, uncertainty or hesitation in regard to right and wrong, duty, propriety, etc." An illustrative quotation from the sixteenth century for this usage refers to Henry VIII's state of mind after his marriage to his deceased brother's wife Catherine, a situation Leviticus may be read to condemn.

1.1 The Solution

My immediate goal in this chapter is to explain scrupulousness. Specifically, why is it that the possibility of a small ethical infringement can occasion so much anxiety after the act? What is it about the uncertainty surrounding a single possible transgression, however so slight, that can cause people like the student to second guess themselves and question whether what they did was right long after the event has passed?

I propose that scrupulousness derives from anxiety about the effect of immoral actions on one's self. The idea is that unethical deeds leave one changed for the worse. Obviously, you bear a specific relationship to a past misdeed: you are the person who at time *t* did immoral action *x*. However, I have in mind something different. To wit, there is a further, non-relational fact about your present state: you are somehow *stained* by the blameworthy action. On my model, scrupulousness is a manifestation of anxiety about the ethical staining of the self. The scrupulous person is unsure whether what he did was wrong, and in his uncertainty, he fears the worst, fears that acting unethically has tainted him.

The notion that wrongdoing leaves one morally stained is congruent with Gabriele Taylor's theory of guilt. In her book, *Pride, Shame, and Guilt*, she observes, "[W]hen feeling guilty I think of myself as having brought about a forbidden state of affairs and thereby in this respect disfigured a self which otherwise remains the same" (Taylor 1985, 92). Unlike

shame in which the person experiencing it feels inferior as a whole, the guilty person sees himself as having disfigured himself by an isolated violation of obligation: "Guilt is a burden he [the guilty person] has to carry, he cannot disown it, it must leave its mark upon him" (92).

In the early going, I want to distinguish the notion of staining from a more familiar idea prominent in the virtue ethics tradition. The staining that is of concern to the scrupulous person is not the degradation of character that the virtue ethicist believes proceeds from bad actions. The worry is not that bad actions will turn into bad habits of thought, feeling, and action but that the bad action itself has simply left a black mark. Our student (let's call her Emily) is plainly a young woman of good character in the virtue ethical sense; after all, the vicious person is neither so attentive to ethical matters nor as self-critical when it comes to her own peccadilloes. Whichever way she chooses to respond to her worries, Emily is not about to become a serial cheater or routine liar. As such, her concern is not with the effects that cheating would have on her future dispositions but on the effect that the possible[31] act of cheating may have had on her self. She worries about the propriety of her actions because she worries that—although she may go on to live a virtuous life, disdaining dishonesty of every sort—she will henceforth be tainted by the act of cheating.

Nor is Emily concerned about what the action reveals about her character; she is not worried that her character is not what she thought it was. She has not discovered anything new, unfavorable about her temperament—if anything, her aversion to cheating is now shining most strongly. Her action, we may suppose, is unquestionably out of character for

[31] It's important to recognize that Emily is truly in doubt as to whether her action was right or wrong. Thus, when I use the word "possible," I mean to say that it is uncertain, at least to Emily, whether her actions were right or wrong. Moreover, I myself take it that it is not obvious whether what Emily did was right or wrong.

her. As we will later see, it was her choice that concerns her—a choice that was not a mere result of facts about her character.

If moral staining is not to be explained in terms of the development of a vicious character, then how should we understand it? According to the proposed theory, immoral actions somehow change a person for the worse. Accordingly, there must be something about the person going forward that is altered, something that corresponds to the stain. However, if we have ruled out the development of bad psychological traits as the change involved, then it is hard to identify a suitable candidate. Once changes in a person's thoughts, feelings, and habits are set aside, what it means for a person to be stained by an unethical action is difficult to grasp.

2. Korsgaard and Practical Identity

The above remains long on metaphor and short on explanation. To flesh out the imagery, we can use Christine Korsgaard's work on practical identity to explain how bad actions taint the self. However, employing Korsgaard requires some exegetical labor. In what follows, I summarize Korsgaard's thinking about practical identity as presented in *Self-Constitution: Agency, Identity, and Integrity*.

In brief, practical identity is the same thing as personal identity.[32] That sounds simple enough, but Korsgaard also thinks that a person's practical identity is constructed by her choices. Unlike her identity as an animal or a living thing, her practical identity is up to her. She can build her personal/practical identity in this way because she is rational, which allows her to reflect on and choose the principles of her actions. Indeed, Korsgaard tells us that personal identity is composed—literally made up of—one's actions.

[32] Indeed, Korsgaard uses the phrases "practical identity" and "personal identity" interchangeably (Korsgaard 2009, 7).

Korsgaard's claim that we construct our practical/personal identities by our choices relies on a notion of personhood developed from her reading of Aristotle. In her mind, "The identity of a person, of an agent, is not the same as the identity of the human animal on whom the person normally supervenes" (19). To understand the view, recall that Aristotle divided the living world into three forms of life: the vegetative, the animal, and the rational (127–29). The vegetative life of nutrition and reproduction, which is shared by all plants and animals, lies at the bottom. The intermediate animal form, characterized by "perception and sensation," is shared by humans and the other animals (129). Thanks to these distinctive abilities, humans and animals possess a kind of identity (animal identity) that plants lack (129). Atop the ladder, humans participate in the life of rational activity. This form of life is the source of practical identity. Just as an animal possesses a kind of identity that a plant lacks, so do humans possess a kind of identity that animals lack. Although humans still participate in the animal and vegetative forms of life, their participation in the rational form of life allows them to construct personal or practical identities over and above their identities as animals or living things (128).

Rationality entails the ability to construct one's personal identity because it means being able to choose the principles of one's actions, à la Kant. For an animal, its instincts are its principles of action (110). Instincts are principles because they determine how the animal will respond to the incentives that it experiences: "They are the laws of [the animal's] causality in the sense that they determine what she does for the sake of what" (110). In contrast, although humans possess instincts (116), they are also capable of acting in accordance with rational principles of their own choice and devise (110). By adopting a principle, we sanction it as a law for our will in the same way that an animal's instincts are a law to it (116).

The process of deliberating upon and selecting the principles of our actions is the work of self-constitution (19–20). Personal identity "is *constituted* by our chosen actions" (130). Note that Korsgaard uses the word "constituted" rather than "constructed." This is because personal identity is not just the result of our actions; it is composed of our actions. Actions are the bricks of which the house of personal identity is formed. Korsgaard goes so far as to tell us that "they [our actions] are us, because we are what we do" (130). She explains:

> When you deliberately decide what sorts of effects you will bring about in the world, you are also deliberately deciding what sort of a cause you will be. And that means you are deciding who you are. So we are each faced with the task of constructing a peculiar, individual kind of identity—personal or practical identity—that the other animals lack.
> . . .
> It is as the possessor of personal or practical identity that you are the author of your actions, and responsible for them. And yet at the same time it is in choosing your actions that you create this identity. What this means is that you constitute yourself *as* the author of your actions in the very act of choosing them.

(19–20). Given this connection between freedom, action, and self-constitution, Korsgaard's theory is ripe for application to the problem of moral staining.

3. Applying the Theory

Ethical staining is easy to understand if one accepts Korsgaard's practical identity theory. Our practical identities are constructed by our choices. When we choose to act unethically, we are like craftsmen inserting rotten timbers into a frame house. Our work is thus sullied in the same way that the work of a cook who pours a spot of rancid milk into the soup mars his own labors. Like the soup, the self is a work-in-progress to which many ingredients have been added. One does not become a wicked person by one wicked action, but like the soup, one nonetheless has at least one undeniably bad element composing oneself. The ethical stain that bad actions leave is just their contribution, a few shoddy nails

and boards, to the ongoing process of self-construction. When we choose to do wrong, we reshape ourselves, however so little, for the worse.

The critical point I adopt from Korsgaard is that our actions are both free and constitutive of a developing self. Alternative theories of identity are consistent with my arguments about moral staining so long as they accept that our qualitative identity is at least partly constituted by our free actions. If one's believes instead that character is immutable or denies that our actions are free, the balance of this chapter is apt to be unconvincing.

Scrupulousness is anxiety about the contributions that immoral actions make to self-construction. When we act unethically, we are shaping ourselves for the worse. It is only natural that we worry. When our young student is fretting about the ethics of her exam taking, she is worried that she has altered herself in a bad way by her actions. This is not a possibility that she regards as one would regard a mere historical fact. Rather, she looks at the possibility with apprehension because it means that she may be a person partly composed by a bad action. Her misdeed then is not just a past fact—the fact that at time *x* she performed immoral action *y*—but a present reality.

The difference between regarding your immoral actions as past facts and seeing them as part of you in the present is a substantial one. The latter holds your attention and cries out for expiation in a way that the former does not. The former may be brushed aside, treated as errors that should only be dwelled upon to the extent that reflecting on them will help you avoid making the same mistakes in the future. The latter, on the other hand, are matters of pressing concern in the present. If immoral actions leave one stained, then the platitudes about "learning from your mistakes and moving on" cannot be credited without reservation. This is because poring over one's past misdeeds is not just idle retrospection but consists in facing what is a persistent part of oneself. Thus, to look over past blameworthy acts is not

idle; at a minimum, it is needed for honest self-appraisal. Moreover, it may be important for expiation, insofar as that is possible or desirable.

The impact of bad actions on who you are goes a long way to explaining scrupulousness. Someone like our student worries about the ethics of what she did because ethical staining is a grave prospect, a prospect that both drives her to find an answer to the question, "Was what I did wrong?" and makes her afraid of the answer. When looking back on an ethically ambiguous situation, our student feels compelled both to conduct an honest, uncompromising investigation and to mount a vigorous defense of herself. This accounts for why she cannot help but keep rehashing the events of the exam along with the relevant ethical considerations. Her obsessive exercises in applied ethics are driven by a desire (grounded in anxiety over what the answer might be) to know whether or not she has stained herself. Her worried mulling bears the relief of exoneration in one hand and the pain of encountering the ethical black mark in the other. Further, her task is made all the more maddening insofar as she knows to distrust herself as one sitting as judge over her own cause. Recognizing this tangle of emotions helps explain why she would spend so much time—even drive herself to distraction months later—thinking about such a slight ethical peccadillo, one which might not even be a peccadillo but be completely innocent.

I want now to bring out two additional ideas about ethical staining and crystallize them with the aid of Korsgaard's theory. These two ideas help explain how even the *slightest* moral wrongs can be the cause of all the nervousness and worry observed in the scrupulous person.

Firstly, if you are shaped by the choices that you make, then you are something uncomfortably precarious. According to Korsgaard, man is the only animal who has the task of creating his own form. In other words, each human being makes herself into a unique

person.[33] Your practical identity is a one-of-a-kind work of your own making. It is thus more intimately and fully yours than the deliveries of nature. Though this sounds romantic, it is also a sobering idea. Not only does it mean that you and you alone are responsible for making yourself into the person that you are, but it means that when you choose, you are working without a net. One false move and the project is marred. Outside the self you construct for yourself, there is no default state on which to fall back. This is because, per Korsgaard, your actions and your actions alone constitute your practical identity.[34] If you make a misstep, then that misstep will be part of you.

To understand how this sense of precariousness contributes to scrupulousness, the metaphor of the tight-rope walker working without a net is both helpful and misleading. It is misleading in that, while a single ethical slip does leave a mark, it need not have catastrophic consequences for your practical identity. Korsgaard thinks that practical identity has inertia; so one immoral action does not make one an immoral person.[35] The metaphor is helpful though in that it emphasizes that there is no content apart from your choices on which to fall back. So when one does make an immoral choice, however small it may be, it raises hard questions about the sort of person you are. Just like a tight rope walker who makes a misstep, wobbles, and looks down, the person who commits a minor unethical act glimpses the fragility of his practical identity.

He glimpses the fragility of his practical identity in the small immoral choice because he sees the potential both for bad action and to become a bad person by repeated bad

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[33] "Because he is alive in a further sense, then, a person has an identity in a further sense. He has an identity that is constituted by his choices. . . . Every person must make himself into a particular person" (Korsgaard 2009, 129–130).

[34] "[Y]ou can walk out even on a factually grounded identity like being a certain person's child or a certain nation's citizen . . ." (23).

[35] The self for Korsgaard is a work-in-progress to which each new action contributes; it is not created anew with every fresh choice (35–36).

actions. The potential exists because he is a free being constituted by his own choices. Remember that people usually like to think of themselves as decently moral individuals. A person may even take pride in the fact that he is loyal or kind. However, if Korsgaard is to be believed, then he is only those things to the extent that he chooses to make himself loyal and kind. If he insensitively shouts at a clumsy coworker, then his kindness is called into question. Truly, he does not thereby cease to be a kind person. Yet, like the tight-rope walker who shudders after seeing the ground below, he perceives in his act the fact that it is only his own free choices that separate him from being a callous, wrathful person.[36]

This possibility is all the more keen since it lies in his own freedom. His abusive action showed him how easily he may make a wrong decision. Just as a tight-rope walker may, in a flash, make a misstep, a person may make a moral misstep all the more easily. He can do so as fast as he can will: he need only decide to let an immoral principle govern his actions. Furthermore, since his choice is free, it is surrounded with a kind of mystery. What made him choose wrong over right in this instance? If he is free (as Korsgaard understands that concept), then ultimately the answer can only be that he chose to act immorally. This intensifies the feeling of fragility because thinking of the capriciousness of his own will emphasizes to him how precarious his self-constituted personhood is.

Catching a glimpse of the precariousness of one's practical identity is part of what explains the scrupulous person's sensitivity over minor ethical violations. To make the point

[36] In using words like "kind," "loyal," "callous," or "wrathful," I do not mean to renege on my earlier commitment to treating moral stains as non-psychological properties of individuals. To use these words consistently with that commitment, however, I must ask the reader to understand them not as expressing actual psychological traits (e.g., the warm feeling typical of the kind person) but as states of persons whose actions have corresponded to these traits. Thus, in this manner of speaking, the kind person is not necessarily kind in the sense that he is disposed to warm feelings and finds it easy to lend a helping hand; rather, he is a person who has done kind things and thereby, on the Korsgaardian theory, constituted himself a kind person.

concrete, we can consider our student Emily. When she is arguing with herself over the morality of her actions weeks ago on test day, she might think (supposing her internal prosecutor has gotten the advantage for the moment), "No, what I did was wrong. But, does that mean that I am a cheater? I've never done anything like that before, and I won't do it again . . . I hope . . . but there's still some bad in me that made me do that. Can I really truthfully say that I'm an honest person, honest deep down?" For Emily, her worries about who she is "deep down" stem from a sense of the insecurity of her practical identity, an insecurity perceived in the minor transgression that she worries she has committed.

The second idea is that scrupulousness is driven by a melancholy perception of loss in the immoral action and consequent moral staining. It is melancholy because it is a harm to something irreplaceable, the damage done to which is (seemingly) irrevocable.[37] Put more poetically, a person who has done something immoral may feel that he has lost himself. Since the immoral action has stained him, he worries he can never be the person he had been or had aspired to become.

For an explanation of the feeling of loss, ostension will have to substitute for analysis. Consider a family heirloom such as a diary written by your great-grandmother. Suppose that you are looking through the diary and come across an interesting story. As you pick up the old book, you accidentally knock a bottle of liquid paper over on to the page. The text you were so excited about reading is now crisscrossed with white liquid. At a moment like this, you'll probably have a sinking feeling in your stomach. It is a different

[37] As I interpret Korsgaard, practical identity has "inertia" but is nonetheless malleable. That said, cleaning up one's practical identity is not a topic that Korsgaard specifically addresses. In a later section, I will suggest that our bad actions are not a permanent part of our identity but that a theory of repentance is necessary to explain how they may be excised. For now, it is sufficient to say that, even if the stain can be erased, it has sufficient special stickiness to make a person feel as if he has perpetrated an irrevocable harm.

feeling than the one you would experience if you spilled red wine on an expensive new coat. While the coat can be replaced, your great-grandmother's diary cannot. It is also a different feeling than you would have if in your haste you had ripped the page. Whereas the paper can be mended, the white liquid cannot be removed. In sum, blotting out the text occasions a special kind of sorrow because the words are believed to be lost forever.

Second, consider an Olympic sprinter who stumbles off the starting block at the big race. Although he is only thirty years old, he is an old man by the standards of his sport. He has been running all his life but this is his first and likely only trip to the Olympics. Growing up, he was always told what a talent he had for running, and from an early age, he himself realized what amazing potential he had as an athlete. His awareness of that potential helped fuel his ambition; he always hoped to win a medal at the Olympics in order to prove his greatness as a sprinter. When this person stumbles as the critical moment, the loss is an especially doleful one. He is grieved not only because he lost this particular race but because he feels he has lost himself. He always knew he was a great sprinter, maybe even the greatest sprinter, but the loss of his last chance at the Olympics means that his potential will never be proven or realized. Men of such ambition sadly and frequently lack the the wisdom and confidence *not* to see gold medals as the only things that could validate them as their sport's best. Such an ambitious man may thus feel that he has ruined or lost himself.

For the scrupulous person, the same feeling of loss makes even small ethical lapses take on outsized significance. This helps explain why she is so nervous about miniscule ethical violations. Though the black marks on her identity are small, they are there permanently. If an heirloom vase is chipped, the piece can be reattached with glue, but a crack will remain. The vase can never be fully restored. Similarly, a scrupulous person sees in petty unethical actions minute cracks in her self. Just like in the case of the vase, an abiding

loss has occurred, one that carries it with it the same unique flavor of melancholy observed in the cases of the diary and the sprinter.

Let's consider Emily again. Suppose that she has convinced herself *for the time being* that what she did was immoral. Instantly, she resolves never to repeat her mistake. "But, can that really take away what I have done," she frets. "Years from now, I will still be the person who cheated." "Maybe I can make up for it by giving to charity . . . ." Emily's worry here is that her bad action has left a *permanent* mark on her. Its irreversibility depresses her. She may seek solace in forgetfulness; she might think, "I wish I could stop thinking about this, but then, I'd just be hiding the truth from myself, and besides, you can never really forget something if you're trying to forget it." In the alternative, she thinks about what she could do to erase it (ponders supererogatory acts, confession, etc.). The sadness she feels is the sadness of a permanent loss. Like the sprinter who feels he has lost himself because he can never be the great sprinter he thought himself to be, Emily feels she has lost herself because of the ethical black mark on her self.

* * *

I promised a discussion of expiation. One of the reasons the scrupulous worry about ethical staining is that the stain is regarded as permanent. In my discussion of the sense of loss accompanying moral staining, I provisionally credited these beliefs and described moral stains as permanent or irrevocable. Korsgaard does not address whether bad actions can be excised from the self. She does though tell us that "[c]onstructing, creating, shaping, *reshaping*, maintaining, improving, in all these ways constituting this kind of identity is the everyday work of practical deliberation" (129, emphasis added). The word "reshape" encompasses the possibility that practical identity, over time, can be reformed even if bad

actions cannot be wholly extirpated. Insofar as this is Korsgaard's position, I agree—but with reservations.

My reservation is that Korsgaard's position makes it too easy to reshape our practical identities when we have done wrong. Namely, expiation must involve something more than a resolution, made good upon, to be better in the future. Otherwise, one cannot make sense of the human urge to pursue more purposeful forms of atonement. I have in mind confession, supererogatory acts, self-denial of the fruits of a crime, and collateral forms of self-imposed austerity. A good theory of repentance should account for these phenomena.

The significance of these acts of expiation cannot be to expunge, that is to fully extirpate, the moral stains we bear. If we are constituted by our actions, then our past actions cannot be thus uprooted. It follows that the impact of atonement is limited to, as Korsgaard says, "reshaping" our practical identity so that the bad mud is still there, but more good clay can be added to make the best of the pot we are spinning.

In Christianity, nothing short of miraculous divine grace is sufficient to wipe away the stains of our misdeeds. I find it plausible that expungement of moral stains is only conceivable in religious terms. If we confine ourselves to ethical categories, then the significance of acts of expiation can only be understood as deliberate efforts to do good (not merely refrain from wrong) in order to counterbalance the stain we have affixed to ourselves. I therefore have written and will continue to write of moral stains as "permanent" on the supposition that so long as we confine ourselves to thinking in strictly ethical terms we must look on moral stains as permanent.

I set out to answer the question: why is it that minor ethical infringements can occasion so much anxiety after the act? My answer is that scrupulousness is anxiety over moral staining. But what is moral staining? Korsgaard propounds that personal or practical

identity is constructed by our actions. Thus, immoral actions become a part of who one is. On Korsgaard's theory, you literally construct yourself via your actions. Thus, the staining metaphor captures the effect of bad actions on the self.

If we keep Korsgaard's theory of self-constitution in mind, it is understandable for a person to fret about the effect unethical actions have on who she is. In short, unethical actions cannot be written off as past mistakes but follow you into the future because they form a part of you. When someone like Emily worries that she has *already* done wrong, her desire to know whether or not this is true of her (that she has stained herself) drives her to conduct the exercises in applied ethics that we see driving her to distraction. As I said however, this does not completely explain scrupulousness because it does not account for the lack of proportionality between the size of the ethical errors and the harried nerves of the scrupulous individual. There are two reasons small ethical slips take on such outsized significance for the scrupulous person. The first is that they reveal the fragility of your personal identity so that you face painful questions about who you really are "deep down." The second is that moral lapses, however small, still leave permanent black marks. This inspires a melancholy sense of loss akin to that felt when a vase is chipped. Just as you may be touched with sorrow at the thought that the vase can never be the same again, you may feel a like sorrow at the thought that an unethical action has permanently altered you.

4. Two Theories of Guilt

Guilt understood as a moral stain is both distinct from and has advantages over another, more prevalent view of guilt—that of guilt as consisting in the rupturing of valued relationships with others.[38] I compare the two to show that the staining view is unique and

[38] Herbert Morris propounds a prominent version of this approach in his essay "Guilt and Suffering" (Morris 1976, 96–97).

that it accurately captures the phenomenology of guilt as a reflexive, inward phenomenon. The version of the severance view I describe is that of Herbert Morris.

On the severance view, the "concept of wrongdoing" is connected with the concept of "being joined together with another or others, the idea of union" (96). In this union, "one is complete, one is whole, in a way that one would not be without it" (96). Wrongdoing (when yoked with fault) embodies the severance of these connections.[39] Given that one's own integrity is dependent on these connections with others, their severance also entails a painful self-sundering.

The severance view emphasizes that ideas about wrongdoing exist side-by-side with notions of restoration (96–97). Thus, practices such as "receiving forgiveness, making sacrifices, reparation, and punishment" are significant as "rite[s] of passage back to union" (96). These are importantly *rites of passage* because they accomplish what mere forgetting does not: "For restoration there must be a bringing back by certain appropriate responses which carry significance for the parties" (97). This is because, "A wrong . . . is not understood as righted when matters are simply where they were before the wrong . . ." (97).

Like guilt as moral staining, guilt as estrangement distinguishes between guilt and guilt feeling (89, 98–99). I agree with separating the two. One can be guilty without feeling guilty, perhaps because one does not believe oneself to be guilty. More typically, one believes oneself to be guilty (because one is guilty) and consequently feels guilty. Of course, if you believe you are guilty, you might also feel guilty, regardless of whether or not you are in fact guilty. With other permutations, one can feel guilty without believing oneself to be guilty, both when one is, and when one is not, in fact, guilty.

[39] "When one is guilty of wrongdoing, one separates oneself from another or others with whom one was joined (96).

These combinations aside, differentiating feeling guilty and being guilty is significant because it allows one to recognize what Martin Buber called guilt's "ontic character" as something "whose place is not the soul but being" (Buber 1971, 58–60). Both the severance and the staining views recognize guilt's ontic character. Where guilt as estrangement differs from guilt as moral staining is in the nature of that something "whose place is . . . being." On the severance view, it consists in the real rupturing of relationships with others, relationships that themselves were crucial to the unity of the offending individual. In this chapter, it derives from the fact that actions are self-constitutive, such that immoral actions form a part of you and leave you persistently tarnished.

Guilt as moral staining contrasts favorably with the estrangement view in at least one meaningful respect. To wit, moral staining better represents the self-concerned, self-occupied character of guilt. This quality of guilt is well-captured in the work of Gabriele Taylor on distinguishing guilt from remorse. Taylor, who also propounds a view of guilt as self-disfigurement, distinguishes guilt from remorse by focusing her attention on the guilty individual's preoccupation with the removal of the burden of guilt he bears in contradistinction to the remorseful person's concern with remedying or recompensing harm done to others. Viewed in this light, guilt as estrangement mistakenly emphasizes severing of relationships and the urge to repair them, matters more typical (if we believe Taylor) of remorse than guilt.

Taylor writes of remorse: "The thought in remorse . . . concentrates on the deed rather than on the agent as he who has done the deed" (Taylor 1985, 98). Remorse then is like regret for they both involve something ill which has come to pass, the occurrence of which is bemoaned or lamented. Remorse differs from regret though in that the former is "always felt about an event which the agent sees as an action of hers" (98). While much

regret is idle regret, remorse carries with it an expectation that the remorseful person will try to right the wrong they have done: Taylor explains, "The person feeling remorse is tied to her action as the person feeling regret is not. She must do something about it, or it will continue to worry her" (99).

Although the person feeling remorse "is tied to her action," her concentration is still on the harm she has done, not on herself. Taylor writes, "Remorse is not an emotion of self-assessment, the concentration of thought here is not on the self, on its disfigurement or lowly standing, but is on her actions and their consequences" (99–100). The implication is that guilt, by contrast, is an emotion of self-assessment:

> [E]ven where the person feeling guilt believes that she has harmed another and believes that she should now repair this damage, her thoughts are not primarily on this aspect of the situation, they are primarily on herself. In this sense, too, the thought of damage caused and so to be repaired is inessential. In feeling remorse, on the other hand, it is precisely these thoughts which are the agent's identificatory beliefs, i.e., when feeling remorse the agent believes that she has done harm which she ought to try and repair.

(104).

Taylor's differentiation of guilt and remorse is incongruent with the severance theory, since according to Taylor, an emphasis on outward harm (e.g., broken relationships) is characteristic of, not guilt, but remorse. Compare the prior indented quote from Taylor with Morris' conclusion about guilt:

> The central, though not the only, case of being guilty of wrongdoing is one in which one is both at fault and responsible for wrongdoing and thus is separated from others, obligated to them, and deserving of some hostile response from them. I say this case is central, for I believe that the concept is employed here with its full panoply of associated concepts, concepts such as being guilty before another or others, asking for and gaining forgiveness, and *mending what has been broken*.

(Morris 1976, 98, emphasis supplied). As I believe Taylor has shown, emphasis on broken relationships is misplaced in a theory of guilt. The urge to repair the harm done is typical of remorse, not guilt.

The reflexive turn in guilt is also visible in the phenomenon of guilt over harmless and unnoticed misdeeds. Situations in which one acts immorally, but the wrong is both undetected and innocuous, lend themselves better to the moral staining view of guilt than to the rupturing of relationships theory. The action of our scrupulous student Emily is one example of this genus of misdeeds. Suppose for a moment that what Emily did was in fact cheating and was in fact immoral. Still, she only cheated on one question of a high school geography exam, hardly a great injury or breach of faith with her teachers and classmates. The consequences of her action, the difference between earning an "A-" or an ill-gotten "A" on the exam, hardly seem worthy of remorse. And yet, if Emily truly did cheat, then she nonetheless has done something immoral and is guilty.

Other examples may be produced. If envy is in fact immoral, then a person who resents his friend's promotion has done something unethical, albeit only internally. We could also add unnoticed white lies or failed, unseen attempts to injure one's fellows. In another example, an ethical vegetarian is tempted to eat some leftover hamburger sitting in the family refrigerator. If he eats the surplus vittles, no harm will be done to an animal and no encouragement given to animal slaughter. Nonetheless, the ethical vegetarian may feel guilty (and arguably is guilty) after eating the leftover flesh. For all these cases, there is no apparent object of remorse, but there is nonetheless guilt.

The protagonist of Robert Coover's novel *The Universal Baseball Association* is a particularly colorful example. The character is an accountant who in his spare time plays a game of his own invention, the eponymous Universal Baseball Association. It is a private

form of fantasy baseball, in which players pitch and hit and teams win or lose according to elaborate rules befitting the man's mathematical profession. When the rules of the game dictate that his favorite player "die," the protagonist is thrown into a crisis. "Cheating" and letting the player live brings on feelings of guilt. Though we may question whether feelings of guilt are appropriate for the protagonist (i.e., whether anything immoral has actually been done), the example nonetheless highlights the inward looking, reflexive character of guilt.

Admittedly, the severance view possesses a means to account for these examples of guilt that is not other regarding. In his essay, Morris expressly recognizes that thoughts, which do not injure others, may nonetheless make one guilty. He says of such thoughts:

> While conduct that is injurious to others is central to the concept of wrongdoing, it is important to note that certain relationships can be damaged by an individual's having a certain state of mind alone, a state incompatible with the relationship as it may be defined and valued. An intention to do an act that would betray a friend, for example, is itself a state that damages the relationship between friends.

(97). Thus armed, the severance view can attempt to account for the cases canvassed above in which guilt is present but harm is not. By telling a white lie, one fails to treat one's spouse with respect (one condescends by hiding the truth), and without respect, the relationship is compromised. Likewise, when one feels envy towards one's friend or secretly plots to harm her, the friendship is poisoned: the bond is broken even though only one side is aware of it.

In responding to cases of unseen, unfelt wrongs however, the theory of guilt as the severance of relationships must strain and become unintuitive. For example, supposing for a moment that Emily is actually guilty, one would need a story either about trust or about a communal practice—e.g., academic achievement or competition—that loses its significance for Emily once she cheats. By failing the trust or subverting the practice, Emily would be cut-off from the corresponding community. Although this is a plausible account of how someone like Emily *might* experience guilt if she was invested in the relevant communal

values, it fails to account for cases in which Emily cares little for grades and academics but nonetheless believes that cheating is wrong, perhaps because it is a species of dishonesty. In these latter cases, it is hard to imagine the severance view agreeing with the phenomenology of Emily's guilty mind.

Perhaps the reason that the severance theory has difficulty accounting for harmless guilty deeds is that it takes "conduct that is injurious to others [to be] central to the concept of wrongdoing" (97). In the alternative, we might say as Taylor does, that it is sufficient to be guilty to have violated a law or command (Taylor 1985, 85). The violation of a law is distinct from whatever harm that violation may or may not have caused (86). "[T]he person who feels guilty thinks in terms of duties not performed and obligations not fulfilled" (87). She need not think in terms of harm caused. Contra the severance view, harm to others is not central to guilt. Rather, the notion of a violation of an obligation is essential and salient.

Unlike a theory of guilt as the severance of relationships, guilt as moral staining need not strain itself to account for guilt arising from mere breach of moral obligation. On the contrary, a hidden, innocuous violation of moral law is an action of the individual that stains the self, regardless of the consequences for others or for one's unity with the community. The wrong done may have passed completely unseen or even have produced good results in the world, but for the individual facing herself in her own thoughts, there remains the fact of having chosen an immoral action that remains a part of her.

* * *

The goal of this section has been to recommend moral staining as a theory of guilt. I have chiefly championed it for matching the phenomenology of guilt. In this regard, I believe it compares favorably with Morris' severance theory as it accurately treats guilt as an inward, self-directed phenomenon rather than an external harm-focused one. It also has

much to recommend it as a "secular theory of sin," reflecting the experience of guilt as a perduring *res* that lies behind the widespread religious concepts of sin and karma.

Alongside the phenomenological discussion, I have more timidly adopted a metaphysical view. As I stated, I agree with Morris that guilt corresponds to something real in the world. This position was implicit from the beginning of the chapter. I initially specified that a moral stain is not a mere relational property (the fact that at time *x* you performed action *y*) and excluded a character ethics interpretation. Instead, I characterized a moral stain as a real change in a person's properties, and by adopting Korsgaard's view that the self is continually constituted by one's choices, sought to explain what such a property could be.

Yet, I believe that a better account can be given of moral stains that does not lean on the metaphor to explain what is bad about being "stained" by a past immoral action. The trouble with Korsgaard's view of personal identity and freedom is that it lacks a complimentary metaphysics (apart from her references to Aristotle's tripartite view of humans as compounded of rational, animal, and vegetative natures). She asserts that we are free and that our personal identities are not fixed but she says little about how this is the case. At the same time, there are unacknowledged echoes of the existentialists in these claims. In the *Sickness Unto Death*, Søren Kierkegaard argued that a human being does not have a given nature ready at hand but has the task of becoming herself in freedom. A person despairs when this seems like a lost cause. In the next chapter, I will escape the staining metaphor by linking guilt to this existential despair.

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Chapter Five, Guilt and Existential Despair

In the previous chapter, I contended for the moral staining model of guilt and argued that it could explain the priority and importance of moral obligation and transgression. Moral staining though is a metaphor and so to explain what a moral stain is, I incorporated Christine Korsgaard's claims that our personal identities are composed of our actions. In this chapter, I will explore Søren Kierkegaard's theory of despair in *The Sickness Unto Death* as an alternative account of moral staining. The advantage of Kierkegaard's view is twofold: (1) it can explain the priority of the moral in terms of the ethical person's project of living a life defined by the objectivity and consistency of morality; and (2) it can explain the importance of moral transgression in terms of the failure of this project and consequent despair over oneself.

The reason not to rest on the metaphor of moral staining is to see if there is more than psychological truth to the metaphor. If our project is only psychological, then the fact that we conceptualize guilt as a moral stain stands as a discovery about the emotions. That we think of guilt as a stain, for example, helps us explain the moral anxiety of the scrupulous person. If we want to proceed from a psychological truth to a truth about ethics, however, we must see whether the metaphor reflects reality, i.e., whether the self is changed by transgression in a way that deserves to be called a staining.

Korsgaard's *Self-Constitution: Agency, Identity, and Integrity* is an attempt to show that each human being constructs her personal identity through her actions (Korsgaard, 7). She tells us, "I am going to argue that in the relevant sense there is no *you* prior to your choices and actions, because your identity is in a quite literal way *constituted* by your choices and actions." (19). If this is so, then the metaphor of moral staining is apt because those wrongful actions of yours are a persistent part of you just like an ink stain on a pair of slacks.

Korsgaard also thinks that human beings choose the principles of their actions. They are free inasmuch as they can act for reasons of their own devising not given by antecedent desires. With her belief in freedom and a personal identity that we craft for ourselves, Korsgaard's position is reminiscent of the existentialists, and yet, she does not use the word "existentialism" or write the names of the movement's famous figures at any point in her book. This is so despite the fact that she begins her book with a dramatic sentence—"Human beings are *condemned* to choice and action" (1)—reminiscent of Sartre's claim that man is "condemned to be free" (Sartre 2007, 29).

By looking back on Chapter Four, we can see that Korsgaard's view satisfied two requisites for an account of moral staining, i.e., an account of what transgression does to a person that makes the staining metaphor apt:

1. A person must be a work in progress such that her actions are at least partly constitutive of her.
2. Actions must stick. They must not be capable of easy dismissal as belonging to the past but must be part of the person in the present.

In addition, we want the account of moral staining to explain the priority and importance of moral duty, and so:

3. We must have reason to care about the fact that we are stained. Past moral transgressions must fit Ewing's hypothesis that they are different from merely irrational actions in rendering the agent "evil in a more serious and quite different way from that in which pain is evil."

To go from Korsgaard to Kierkegaard, we will draw out his claims about the self and despair that satisfy each of these criteria.

1. "Every moment that a self exists, it is in a process of becoming"

The body of *The Sickness Unto Death* begins, "The self is a relation that relates itself to itself or is the relation's relating itself to itself in the relation; the self is not the relation but is the relation's relating itself to itself" (The Sickness Unto Death, 1). The relation in question is a synthesis between the "psychial and the physical." This is the traditional view of a person as a rational animal with both mind and body. Yet, Kierkegaard stresses that the self is intentional, reflective, and self-aware, hence, the "relation's relating itself to itself."

It is because a person is a reflecting relation that a person is always in a process of becoming.[40] Each moment that a person exists she is engaged in this synthesis. This is because the self is not simply there, premixed and ready at hand: "the self κατά δύναμιν [in potentiality] does not actually exist, is simply that which ought to come into existence" (30). In other words, a person does not exist with her essence always in her back pocket—not even as something present but latent as potential energy resides in a coiled spring. Instead, the self has the "task" "to become itself . . . to become concrete" (30).

This will be sharper if we consider what Kierkegaard says about the two relata of the synthesis. He describes the psychical-physical synthesis as equally a synthesis of the infinite and the finite, of the temporal and the eternal, and of possibility and necessity (1, 35). The reason that the synthesis is a continual task is that these are contradictory so that one cannot be fully one and the other (30).

Kierkegaard first elaborates on the opposition between infinitude and finitude. Infinitude corresponds to mind and encompasses thought, feeling, and imagination. There are no boundaries on thinking (witness the excesses of metaphysics) or fantasizing, and this

[40] The "self is a "conscious synthesis of infinitude and finitude that relates itself to itself, whose task is to become itself . . ." (The Sickness Unto Death, 29).

is why Kierkegaard's favorite metaphors for infinitude are volatility and flight. The abstract, sentimental, or imaginative person is always at risk of vaporizing or floating away. The scientist contemplating nature or the philosopher thinking of possible worlds is at risk of floating away if this knowledge has no relationship to self-knowledge and she forgets that she is a particular person in a particular situation (31). Likewise, the aesthete or the mystic becomes "more and more volatized and finally comes to be a kind of abstract sentimentality" (31). In *Fear and Trembling*, Kierkegaard describes these people as "strangers in the world":

> The knights of infinity are ballet dancers and have elevation. They make the upward movement and come down again, and this, too, is not an unhappy diversion and is not unlovely to see. But every time they come down they are unable to assume the posture immediately, they waver for a moment, and the wavering shows that they are aliens in the world.

(Fear and Trembling, 41).

Finitude corresponds to the body, to a person's circumstances, and her history. The person of finitude identifies himself with his talents, his social position, and his nation. If the risk in infinitude is to float away, then the risk in finitude is to be mired in the ground: "Surrounded by hordes of men, absorbed in all sorts of secular matters, more and more shrewd about the ways of the world—such a person forgets himself . . ." (The Sickness Unto Death, 33).

Because infinitude and finitude are rising and falling, "the progress of the becoming must be an infinite moving away from itself in the infinitizing of the self, and an infinite coming back to itself in the finitizing process" (30). A person for Kierkegaard is like the expansion and contraction of the lungs: there is no static equilibrium but rather a continual

back and forth.[41] The danger is bogging down or floating away because existing is a continual jumping off that needs a ground for the leverage to leap and a location to land. "In the life of the spirit, there is no standing still . . ." (94). Put in plain terms, we are always going back and forth between thinking, planning, and imagining—actions that take us away from our situations and their limitations—and living moment to moment with a particular history, body, and social position.

The finite in a person includes her history and what she has done.[42] We can see this if we look at another way Kierkegaard characterizes the relation as possibility–necessity. When a person suffers a great blow or makes a great error, he can be overwhelmed by necessity. Kierkegaard speaks of a person with a gift for imagining the most terrifying nightmares. One day, "this very horror happens to him" and he despairs (38). There can be no hope when the worst has come to pass, and so this person of prodigious imagination comes to despair in the present failure of his imagination to see any hope in the situation.

Kierkegaard also describes what may become of an ambitious person whose efforts fail. This person's motto is "Either Caesar or nothing" (19). When he does not become

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[41] "Personhood is a synthesis of possibility and necessity. Its continued existence is like breathing (*re*spiration), which is an inhaling and exhaling" (The Sickness Unto Death, 40).

[42] This view of Kierkegaard is reflected in Roger Gottlieb's analysis of the treatment of ethics in Kierkegaard's oeuvre (Gottlieb 1979, 355). Gottlieb quotes the following passage from *Either/Or*: "[the individual] has a history, and this not merely a product of his own free actions. The inner work, on the contrary, belongs to him and must belong to him unto all eternity" (355). He interprets the reference to "inner work" as a description of ethical decision making, relying on the following passage from the same text: "in the ethical realm, there is never any question about the external but only about the internal . . . however much the external may change, the moral content of action may nevertheless remain the same" (355).

Kierkegaard appears to agree with Kant that the moral worth of an action is an inward matter: "[T]he ethical actuality is not the individual's historical externality. That my intention was this and that, I can in all eternity know absolutely, because this is an expression of the eternal within me, is myself, but the historical externality in the next moment can be reached only approximando" (Concluding Unscientific Postscript, 575).

Caesar, this man despairs, and while we might think that what he is despairing over is this state of affairs, what he is actually despairing over is himself: "precisely because he did not get to be Caesar, he now cannot bear to be himself" (19). Thus we see that a person's history is part of his necessity and finitude, and when he cannot rid himself of it, he may despair over it.

2. "Eternity . . . will nail him to himself"

To do justice to the staining metaphor, immoral actions must not only be part of the self, they must be durably so. Neither a successful resolution not to repeat the transgression nor forgetting should be sufficient to leave the wrong behind in the past. Neither means of sloughing off the past can succeed on Kierkegaard's view.

What the person in despair wants most to do but cannot is precisely to rid himself of his self. The reason he cannot do this is that he is capable of reflection and so of taking the eternal point of view on his existence. From the viewpoint of eternity, all times are equally present. Kierkegaard writes, "It is always the present tense; in relation to the actuality there is no pastness of the past . . ." (17). So long as a person does not lose herself in immediacy, so long as she recognizes that she has a self that persists across time, then she can also see that from the perspective of the eternal, she and her past are not something that ceases to be. Such a person cannot then credit the "worldly wisdom" that says "'Wait and see," "Don't worry," Forget it" (56).

Consider the doctor, Judah Rosenthal, played by Martin Landau in Woody Allen's *Crimes and Misdemeanors*. Judah successfully solicits the murder of his mistress in order to prevent her from informing his wife of their affair. He escapes suspicion, and we find him some years later speaking to Woody Allen's character at a wedding. Describing himself under the guise of a hypothetical, Judah narrates how a man who committed murder could go on

living a normal life: "Well, people carry sins around with them. Maybe once in a while he has a bad moment, but it passes. And, with time, it all fades."

Judah's veiled account of himself would seem to give the lie to Kierkegaard's observations about despair. But Kierkegaard, insisting on the "obstinacy of truth" (42), denies that there is refuge in the passage of time and in the weakness of memory. Most people are indeed not conscious of being in despair because they live lives of immediacy. They are, however, always at risk of being overcome by despair should they suffer a worldly reversal or should the prospect of death confront them. Kierkegaard powerfully expresses this in a memorable passage:

> When the hourglass has run out, the hourglass of temporality, when the noise of secular life has grown silent and its restless or ineffectual activism has come to an end, when everything around you is still, as it is in eternity, then . . . eternity asks you and every individual in these millions and millions about only one thing: whether you have lived in despair or not, whether you have despaired in such a way that you did not realize that you were in despair, or in such a way that you covertly carried this sickness inside of you as your gnawing secret . . . . And if so, if you have lived in despair, then, regardless of whatever else you won or lost, everything is lost for you, eternity does not acknowledge you, it never knew you—or, still more terrible, it knows you as you are known and it binds you to yourself in despair."

(27–28).

Kierkegaard knows that people like Judah will try to live by forgetting: "The adult despairs over the past as a present *in præterito* that refuses to recede further into the past, for his despair is not such that he has succeeded in forgetting it completely" (59). But what of the person who does succeed in forgetting or forgets in consequence of the brain's fragility?

The person who "succeeds in healing it by forgetting it" simply becomes "his own receiver of stolen goods" (60). That is to say that the person who fully forgets has a false innocence. This is the innocence of the child who takes himself not to have done wrong if what he did was not perceived by his father. Like a game of reverse peekaboo, the wrong does not exist if it is not kept in mind. But of course, the wrong is still there as much as the

wrongdoer's self is still there: "Eternity is obliged to do this [nail himself to himself], because to have a self, to be a self, is the greatest concession, an infinite concession, given to man, but it is also eternity's claim upon him" (21).

But what trace of despair is there in the quotidian of the guilty amnesiac? Even Judah, who still remembers what he did, describes a day when "one morning, he awakens and the sun is shining and his family is around him and mysteriously the crisis has lifted." The amnesiac, though, is alienated from himself and lacks continuity. After all, what event in his life is more significant than the time he murdered another person, and yet he has no memory of it. It is as if Aristotle should forget having been the student of Plato and the tutor of Alexander. The significance of this loss stems from the fact that a person becomes who they are through each moment of their life:

> The existing person becomes concrete in what has been experienced, and as he proceeds he has it with him and can lose it at any moment. He has it with him, not the way one has something in a pocket, but through this, this specific thing, he is what he is more specifically defined and loses his own more specific definition by losing it. Through the definition in existence, an existing person, more specifically defined, has become what he is. If he sets it aside, it is not he who has lost something, so that he does not have himself and has lost something, but then he has lost himself and must start from the beginning."

(Concluding Unscientific Postscript, 489).

This form of despair is actually the most common one even if it is not usually linked to amnesia: "But how rare is the person who has continuity with regard to his consciousness of himself!" (The Sickness Unto Death, 104). A man like Judah but who, perhaps from a blow to the head, did completely forget that he had once murdered his lover, would achieve nothing more than a return to the thoughtlessness characteristic of the life of immediacy: "They play along in life, so to speak, but they never experience putting everything together on one thing, never achieve the idea of an infinite self-consistency" (107). The prize for the exceptional stroke of luck in not only getting away with murder but forgetting that one has

murdered is nothing equally exceptional but something common. The formula for despair here is the same as that for the man of immediacy: "in despair not to will to be oneself" (52).

One may doggedly insist that the amnesiac cannot be troubled by missing a part of himself of which he is completely ignorant. Yet blithe ignorance is the condition of the person of immediacy. In his thoughtlessness, the immediate person is not even conscious of having a self and has only the faintest awareness of being in despair (42). To suffer from amnesia and forget that one is a murderer then is just the focused form of the low-grade ignorance of self that afflicts most people. It is not even true that the former is necessarily the greater loss. After all, what is forgetting a great formative decision in your life to forgetting that you have a self with a long tail of a life? Kierkegaard admits that the person who is ignorant of having a self may appear "to others to radiate health," but "it makes no difference . . . he is in despair just the same" (44–45).

3. "The self has the task of becoming itself in freedom"

In the preceding two sections, I unpacked the staining metaphor in Kierkegaard's idiom. We saw that a person's life is a process of becoming what she is and her history is part of what she is becoming. With this account of past actions and personhood in mind, I intend to explain why immoral actions being part of your history matters. In the last chapter, I took it for granted that being stained by a past transgression was bad and vexing for a person, but in this section, I will explain why this is so. At the end, I hope that we will understand what Ewing could have meant when he said that transgression renders you evil in a way different from that in which pain is evil.

Kierkegaard tells us that sin is "aggravated despair" (77). The metaphor is judicial—assault is aggravated by the use of a weapon—but what aggravates despair is that sin is before God. Guilt, then, is still despair but not aggravated despair: "[W]hat really makes

human guilt into sin is that the guilty one has the consciousness of existing before God" (80). If we know then that to be guilty is to be in despair and already knew that a moral stain is guilt, then it follows that to be stained is a way of being in despair.[43]

To understand what it means for being stained to be a form of despair, we will look to how the ethical person copes with being a person—that is to say, how she carries out her task of becoming herself in freedom (35). Recall that the self "does not actually exist, is simply that which ought to come into existence" (30), and that as such the self is charged with becoming concrete. When a person by contrast lives by the motto, "Live for your desire," she ignores this charge to become concrete and instead pours herself into the various external sights, sounds, and objects she comes across. Such a person is a scattered person: "[D]esire is a multiplicity, and thus it is easy to see that this life splits up into a boundless multiplicity . . ." (Either/Or, 183). The missing thread that would weave such a person's life together is serious choice, consciously committing oneself to live one life rather than another (177). The importance of this choice lies not so much in what is chosen; rather, Kierkegaard has the ethical Judge Wilhelm place the accent on the choosing, understood as a choice to be one way or another: "[T]he point is still not that of choosing something; the point is not the reality of that which is chosen but the reality of choosing. . . . The consciousness integrates and he is himself" (176–77). By choosing herself through her

[43] Not all despair is guilt. As Kierkegaard's indicates, the person of immediacy may despair over himself because he did not get to be Caesar, did not get accepted to Harvard, lost his fortune on a short sell, broke two bones in his pitching hand, etc. None of these necessarily involve immorality. Indeed, despair is sometimes linked with shame—a person feels as if he is an ugly or bad *thing*, without agency and the ability to change. But this is less-developed than ethical despair, because as usual, the aesthetic person does not know what is truly valuable or to be feared. That the person feeling shame regards himself as an object is typical of the aesthetic stage when a person is not aware of having a self but identifies himself with his appearance, his talents, his place in the world, etc.

action, a person makes herself responsible for her choice. And by positing herself as responsible, she posits the ethical (177).

"The ethical is the universal and thus the abstract" (255).[44] Therefore, the "person who views life ethically sees the universal, and the person who lives ethically expresses the universal in his life" (256). Through adhering to the universally human demands of morality, the ethical person seeks to bind the disparate threads of his life together under the moral law: [45] "His self in its immediacy is defined by accidental characteristics; the task is to work the accidental and the universal together into a whole" (256). The result, Wilhelm assuredly holds, is that the "individual rests with confident security in the assurance that his life is ethically structured" (257). Note the emphasis on "rest"—the ethical person believes that he has found the rock on which he will build his life: "He has put on duty; for him it is the expression of his innermost being" (254). When one has a task to perform—as Kierkegaard says we all have the task of becoming ourselves in freedom—how heartening it is to have something to rest on as Wilhelm says the ethical person rests in the ethical!

Rest reappears in *The Sickness Unto Death* in Kierkegaard's description of the religious form of life. He writes, "The formula that describes the state of the self when despair is

[44] It follows that the idea of a diabolic consistency, a consistency in immorality, is an illusion because there are no universal principles to unify a diabolic will from moment to moment. The aesthetic person was captive to the multiplicity of desire—one moment it was absorbed in one thing and the next moment another. The transition to the ethical required another basis for choice than the transient objects of immediacy. A principle was needed that could unify the will across time. Such a principle would have to be universal, that is to say applicable to all situations at all times. Reason, with its abstracting power, is the only source of universal principles, and reason's principles are those of morality. Thus Kierkegaard says that the consistency of the diabolic person is similar to an alcoholic who keeps himself drunk out of fear of stopping drinking. The person who would will an immoral consistency has no universal principles to follow but can at best continuously throw himself at one object or one sensation (The Sickness Unto Death, 108). That this is a false consistency follows from the fact that these objects are existing, and therefore shifting, things.

[45] "The ethical is the universal and thus the abstract. That is why in its perfect abstraction the ethical is always interdictory. Thus the ethical takes the form of law" (Either/Or, 255).

completely rooted out is this: in relating itself to itself and in willing to be itself, the self rests transparently in the power that established it" (The Sickness Unto Death, 14). This power, of course, is God. Consider the formula for faith: "Faith is: that the self in being itself and in willing to be itself rests transparently in God" (82).[46]

Recall now that the self is in a process of becoming and has itself ahead of itself as something that it ought to become rather than something already given behind it. Likewise, to exist as a human being is to be a self that relates itself to itself in the relation. This effort continues in faith—"in being itself and in willing to be itself"—but the self is held up by God in doing so. The person of faith is like a toddler swimming who is held up by his mother's hand on his belly.

Resting in God appears to be a matter of existing before God or of having God as "the criterion" of one's existence. Kierkegaard explains, "[T]his self takes on a new quality and qualification by being a self directly before God. This self is no longer the merely human self but is . . . the self directly before God" (79). From being that which "does not actually exist" (30), the self gains "infinite reality . . . by being conscious of existing before God, by becoming a human self whose criterion is God" (79). The idea here is similar to that expressed in the Gospel lyric "His eye is on the sparrow" and the parables of the lost sheep

[46] This is not to say that the religious person, Kierkegaard's knight of faith, cannot feel guilty. He or she has faith in Christ's atonement but at the same time, he knows that he has done wrong and can feel guilty over what he has done. Faith, for Kierkegaard, is always an in-spite-of, so the person who did not acknowledge and feel his guilt would not be religious. Despair and guilt are nevertheless overcome in the movement of faith that proceeds through consciousness of guilt and despair. This is why Kierkegaard calls despair "the thoroughfare to faith" (The Sickness Unto Death, 67). Kierkegaard takes himself to be repeating Lutheran orthodoxy when he says, "Only the consciousness of sin is absolute respect. And just because Christianity insists on having absolute respect, from any other perspective Christianity must and will appear as madness or horror simply in order that the qualitative infinite emphasis can fall upon the fact that the consciousness of sin is the only admittance . . . ." (Practice in Christianity, 67–68).

and the lost coin.[47] An individual with faith, who lives his life with his relation to God in mind, has the staggering thought that he too, amid the billions and billions of people who live, have lived, and will have lived, matters to God. And because he matters to God (the absolute), he has "infinite reality." Kierkegaard writes:

> A self directly before Christ is a self intensified by the inordinate concession from God, intensified by the inordinate accent that falls upon it because God allowed himself to be born, become man, suffer, and die also for the sake of this self . . . Qualitatively a self is what its criterion is. That Christ is the criterion is the expression, attested by God, for the staggering reality that a self has, for only in Christ is it true that God is man's goal and criterion, or the criterion and goal.

(The Sickness Unto Death, 114–15). This passage reveals a nuance in Kierkegaard's use of the word criterion. A criterion is a measure by which something is graded, but just as a balance is used to grade something (65 grams), a balance can be used to recognize or detect something. Copying Kierkegaard's diction, to say that a self has a balance as its criterion is to say that a self "before a balance" is a self with a mass. To exist before God, to have God as one's criterion, is to be a self with the panoply of qualities that God recognizes. But unlike a balance or even the prototype kilogram in Paris, God is not a relative thing but is the absolute, and so Kierkegaard says that to exist before God, to have God as one's criterion, confers "infinite reality" on a person. By way of illustrative contrast, the color red has

[47] "What man of you, having an hundred sheep, if he lose one of them, doth not leave the ninety and nine in the wilderness, and go after that which is lost, until he find it? / And when he hath found it, he layeth it on his shoulders, rejoicing. / And when he cometh home, he calleth together his friends and neighbours, saying unto them, Rejoice with me; for I have found my sheep which was lost. / I say unto you, that likewise joy shall be in heaven over one sinner that repenteth, more than over ninety and nine just persons, which need no repentance. / Either what woman having ten pieces of silver, if she lose one piece, doth not light a candle, and sweep the house, and seek diligently till she find it? / And when she hath found it, she calleth her friends and her neighbours together, saying, Rejoice with me; for I have found the piece which I had lost. / Likewise, I say unto you, there is joy in the presence of the angels of God over one sinner that repenteth" (Luke 15:4–10, KJV).

relative, limited reality for one who believes that redness is only a power to cause certain sensations in human beings.

The rest of the ethical person that Wilhelm describes, by contrast, is repose in a human criterion—the moral law is her measure and that by which she is recognizable, identifiable. In the intermediate stages between the aesthetic and the religious, there is an increasing awareness of having a self (79). Within these gradations, however, Kierkegaard tells us that the "consciousness of the self is within the category of the human self, or the self whose criterion is man" (79). But this is to be expected given what Wilhelm says about the ethical life—duty is an internal relation (Either/Or, 254) through which the individual works to become himself by being the universal human being (256). Or, as Wilhelm puts it, "[W]hen the ethical individual has completed his task, has fought the good fight, he has come to the point where he has become the unique human being—that is, there is no other human being like him—and he has also become the universal human being" (256). That the ethical is the universally human is significant to the security from a changeable world that Judge Wilhelm perceives in the ethical. One does not need to be blessed with talents and opportunities to be moral. As Kant said, neither the "peculiar disfavor of fate" nor "the meager endowment of step-motherly nature" can make the fulfillment of duty impossible (Kant 2002, 10).

From the foregoing, we can understand the ethical life as a solution to the problem (task) of being a self. Judge Wilhelm recommends the ethical life as a way to find rest and coherence in the universal requirements of duty. By becoming the universal man and adhering to duty, the ethical person secures for himself his own identity as a particular

human being.[48] We will now see how moral transgression subverts this project, depriving the individual of his or her ethical resting place, and throws him or her into despair. This we can identify with the evil of a different type than pain.

Kierkegaard describes what happens to a person who has decided to live her life as the ethical human being but falters in this task. When a person has committed herself to an idea, as the ethical person is committed to duty and the universally human, transgression is an inconsistency that breaks the "ethical structure" that Wilhelm said gave the ethical person his "confident security":

> Every existence that is within the qualification spirit, even if only on its own responsibility and at its own risk, has an essential interior consistency and a consistency in something higher, at least in an idea. Such a person has great fear of any inconsistency, because he has an immense apprehension of what the result can be, that he could be torn out of the totality in which he has his life. The slightest inconsistency is an enormous loss, for, after all, he loses consistency. In that very moment, the spell is perhaps broken, the mysterious power that bound all his capacities in harmony is diminished, the coiled spring is slackened; everything perhaps becomes a chaos in which the capacities in mutiny battle one another and plunge the self into suffering, a chaos in which there is no agreement within itself, no momentum, no *impetus*. The enormous machine that in consistency was so tractable in its steely strength, so supple in all its power, is out of order; and the better, the more imposing the machine was, the more dreadful the tangled confusion.—The believer, one who rests in and has his life in the consistency of the good, has an infinite fear of even the slightest sin, for he faces an infinite loss.

(The Sickness Unto Death, 107).

Thus, the formula for despair in the failed ethical person is not to will to be oneself. Kierkegaard compares the ethical person who falls into despair to a father who disinherits a son: "The self does not want to acknowledge itself after having been so weak" (62). This self-dread, he notes, is paralyzing—the agent henceforth has "no momentum, no *impetus*." Joseph Conrad illustrates this in *Lord Jim*. Jim is one of a small

[48] Compare Socrates' remark to Phaedrus, "I want to know not about this, but about myself: am I a monster more complicated and swollen with passion than the serpent Typho, or a creature of a gentler and simpler sort, to whom Nature has given a diviner and lowlier destiny?" (*Phaedrus*, 230a).

number of crewman onboard a European steamship carrying pilgrims from the East to Mecca. During the night, there is a collision and the ship begins to take on water. Jim thinks it will sink but aims to save the passengers. Nonetheless, when he sees the other crewmembers taking to a life boat without aiding the passengers, he impulsively jumps in with them. Though the passengers are ultimately saved by another passing ship, Jim feels guilty about abandoning them. His life, prior to its redemptive second act, is passed in a desultory series of jobs in the ports of the East Indies. Cut off from the devotion to duty that had hitherto described him, he does not greatly purpose to be anything at all.

The irony is that the threat to the ethical comes from existence in time, a corner from which it thought it took strength. On the one hand, the ethical person purportedly "turns time to account" and sees in it the prospect of acquiring a history (Concluding Unscientific Postscript, 254). On the one hand, every moment lived is an occasion for transgression.

Judge Wilhelm's defense of marriage offers an example of how the ethical person means to turn time to account. Responding to the charge that marriage is the enemy of love because it is habit and repetition that kills passion, the judge answers that marital love grows through repetition. Because the married lovers have a past and an indefinite commitment for the future, marriage has in it "a law of motion" (Either/Or, 94).[49] After the excitement of falling in love, love needs other food to sustain itself but finds that in recollection and in hope (142). Hope "hovers over it as a hope of eternity that fills out the moment," and recollection "places a sharp on the note of the moment . . . if in the present year he experiences an erotic moment, this is augmented by his recollection of it

[49] Wilhelm's law of motion in marriage is an ominous reminder of what the ethical person loses in transgression—"the mysterious power that bound all his capacities in harmony is diminished."

in the previous year etc" (142–43). The married man's "possession has not been inert property, but he has been continually acquiring its possession" (138).

The threat to the ethical project that stems from time is the possibility of transgression every instant. Because a person exists in time, she must live her life from moment to moment, and she must continually choose duty in the face of temptation if she is to be ethical. A person cannot simply will to be ethical at a stroke and thereby tie off the rope of her life. She could do so if she were eternal and did not exist in time, for then there would be no question of what she might do next. But as Kierkegaard is keen to stress, a person is "merely a fantast if he fancies himself to be *sub specie aeterni*" (Concluding Unscientific Postscript, 192).

We have now made substantial progress beyond the staining metaphor for we have seen that ethical transgression fractures the harmony in which the ethical person sought to fulfill his task of becoming himself. The task was an inescapable task—the ethical person did not invent the task but he clearly recognized it where the man of immediacy did not. What's more, the ethical strategy was not idly chosen amongst an array of options but was the only alternative to loss of self in immediacy. The ethical "is the universal and thus the abstract" (Either/Or, 255). There is no second ethics, for there is no second reason. Violating moral obligation renders you evil in a way different from that in which pain is evil—it puts you in despair at ever successfully walking what seemed to be the only road to becoming a coherent self.[50]

[50] That a guilty person does not feel guilty does not exempt them from ethics. That guilt grounds the priority and importance of the ethical on my view does not entail that the absence of guilt feeling deprives moral obligations of their force. The ethical is the universal and thus applies to all people. But because most people, most of the time, live lives without reflection, they are most often not conscious of having a self, of being ethically responsible, and of having failed in their responsibilities. Within the aesthetic stage, there are varying

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In what remains, I would like to revisit the work of the last chapter and Korsgaard's theory of self-construction. I aim first to relate what I said about how moral staining can explain scrupulous worries over even small, possible transgressions to what I have brought forth here about guilt and existential despair. Second, I want to bring out an element in Korsgaard's work that I did not note in the prior chapter—her claim that action in accord with moral duty is necessary for successful self-construction—and compare it to Kierkegaard's idea (expressed by Judge Wilhelm) that living ethically is a matter of becoming a universal human being.

One of the reasons that I claimed that moral staining could make sense of scrupulousness was that moral stains, though small, were the occasion for the agent to glimpse the fragility of her identity. The agent's concern was not that her ethically dubious action had made her a person of bad character but that it revealed that there was nothing between her and being immoral but her free choices. These choices too seemed mysteriously capricious—no explanation for acting wrongly could be given but that she chose thusly.

We can express these same concerns more rigorously in Kierkegaard's existential idiom. That the scrupulous person is not worried about her character, in the virtue ethical sense, but about her freedom can be explained in terms of Kierkegaard's account of the self in terms of the duality possibility–necessity. A person's character, understood as temperament, disposition, or personality, is a part of her necessity like her stature or

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levels of awareness of all of this, but there is usually some dim, peripheral vision of it: "Very often the person in despair has a dim idea of his own state, although here again the nuances are myriad" (The Sickness Unto Death, 48). Pangs of conscience fit this dim awareness, and their spastic reemergence in the face of time, casuistry, and indifference is famous from literature.

place of birth. It is tractable to her choices, but it is in great measure determined by genetics and environment. At the same time, her necessity does not exhaust her (she is a synthesis of possibility–necessity) and she may act against character. This is Kant's thought when he distinguishes between being endowed by nature with a pleasant or morose disposition and the ability to act beneficently from moral principle (Kant 2002, 14).

The scrupulous person is not concerned with her character when she is feeling anxious about whether she did wrong. Objectively viewed she may be a person with a character that is honest and benevolent: this is the figure she has cut in the world, these are her inclinations, this is what a psychologist would say about her personality, etc. All of this, her necessity, does not guaranty though that she is "a creature of a gentler and simpler sort, to whom Nature has given a diviner and lowlier destiny" for her ethically dubious action has reminded her of her possibility of being "a monster" "complicated and swollen with passion."

Furthermore, that the scrupulous person, glimpsing the fragility of her identity in the dubious action, is uneasy about her freedom falls straightforwardly under the existentialist notion of anxiety. In *The Concept of Anxiety*, Kierkegaard calls anxiety the "dizziness of freedom" (The Concept of Anxiety, 61). What the scrupulous person fears is not a character proclivity like Mr. Creakle's bad temper but her freedom to be and choose wickedly. This possibility is not there on the horizon like a rain cloud pushed towards you by the prevailing winds, but "the nothing that is the object of anxiety" is a possibility for the individual in her freedom (61). That the individual has gone or will go over to this possibility is a leap "which no science has explained and which no science can explain" (61).

I said as well in the last chapter that "scrupulousness is driven by a melancholy perception of loss in the immoral action and consequent moral staining." I added that it is "melancholy because it is a harm to something irreplaceable, the damage done to which is (seemingly) irrevocable." This analysis has plain parallels in what was said about the persistence of immoral actions as part of an individual's necessity and in the feeling of loss that accompanies transgression. Firstly, we saw that Kierkegaard stresses that in eternity "there is no pastness of the past" (The Sickness Unto Death, 17). Eternity "knows you as you are known and it binds you to yourself in despair" (27–28). Hence, the metaphor I invoked in the prior chapter of spilling whiteout on your grandmother's diary—there is a sense of irreparable harm to something irreplaceable in guilt. Secondly, despair (of which guilt is a form) is always despair over the self. This is because when the ethical person transgresses, he loses consistency, and the ethical person is "one who rests in and has his life in the consistency of the good." Having lost the consistency in which he rested, the guilty individual wills in despair not to be himself—"The self does not want to acknowledge itself after having been so weak." That this sort of willing is willing in despair is evident from the impossibility, hence the hopelessness, of the goal: he is a synthesis of possibility–necessity and cannot rid himself of his history. Thus Kierkegaard compares the ethical man's feeling of loss to a father who laments a disinherited son. For to will hopelessly is to will in despair, and the father's feeling of loss shows that he is hopelessly attached to the one he despairingly intended to cast off.

I last want to highlight similarities between Korsgaard's contention that the requirements of morality are conditions of successful self-constitution and Kierkegaard's claims, through Judge Wilhelm, that being ethical is a matter of becoming a universal human being. The novelty in Korsgaard's *Self-Constitution: Agency, Integrity, and Identity*, is

her emphasis on the idea that we constitute our personal or practical identities through our free actions. This innovation is connected throughout, however, with Korsgaard's wonted Kantian ethics. Thus, she tells us that the categorical imperative is a "constitutive principle of action" without which "you are just a mere heap of impulses, and not an agent after all" (Korsgaard 2009, 213). This is so because uniting those sundry impulses requires a unified will and in order to have a unified will, "you must will in accordance with a universal law" (213). A universal law is rational in all situations and so it commands "you to act in a way that *any* rational being could act" (214).

Wilhelm too describes the ethical as the universal and the abstract. He stresses that it is through ethical principle that the individual is able to "work the accidental" characteristics of immediacy (Korsgaard's mere heap of impulses) into a whole. Just as Korsgaard claimed that adherence to principles holding for everyone was necessary for being an agent, Wilhelm agrees that it is only by becoming a universal human being that the individual is able to become himself.

4. Conclusion

We began the previous chapter with T.M. Scanlon's twin questions about the priority and importance of moral duty. I hypothesized that A.C. Ewing's view that moral trespasses render you evil in a different way than pain is evil could explain both. Guilt looked like a likely candidate for this special kind of evil, and I, following Gabrielle Taylor, argued that the best way to understand guilt was in terms of moral staining. Korsgaard's theory of self-constitution offered a way to understand moral staining in terms of the contribution of an agent's choices to her personal identity. In this chapter, I have meant to go beyond the staining metaphor and explain why moral stains were supposed to be vexing. In place of the staining metaphor, I explained guilt as a source of

existential despair, the inconsistency of ethical transgression compromising a man's attempts to have "his life in the consistency of the good." I thus came to the conclusion that despair—willing not to be oneself, losing oneself—is the evil that is different from the evil of pain. This is what grounds the priority and importance of the moral, not that it is what we owe to others.

Looking ahead, I believe the connection that Korsgaard and Kierkegaard draw between being ethical and constituting oneself a human agent suggests a way of connecting the specific content of the ethical to what I have contended is the ground of its priority and importance. For at first glance, a view that says that moral obligations are what we owe to others is better situated to explain why specific reasons are or are not a matter of moral duty. If Korsgaard is correct, however, that the categorical imperative is a constitutive principle of action and adherence to it necessary to be an agent, then we can see how the content of normative ethics is a function of the ethical demand's grounding in the existential task of working the accidental and the universal into a whole that is the self.

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Vita

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